

# Landowner approval for the National Erebus Memorial at Dove-Myer Robinson Park

File No.: CP2020/16839

## Te take mō te pūrongo

### Purpose of the report

1. To seek a decision on the landowner approval application for the proposed National Erebus Memorial at Dove-Myer Robinson Park, Parnell.

## Whakarāpopototanga matua

### Executive summary

2. The proposed National Erebus memorial project is being sponsored and led by the Manutū Taonga Ministry for Culture and Heritage (MCH). The purpose of the memorial is to commemorate the 257 passengers and crew who lost their lives in what remains New Zealand's worst civil disaster.
3. Auckland City was identified by MCH as the appropriate location for the national memorial on the basis that the flight flew out of Auckland Airport and the large majority of New Zealand passengers were from Auckland.
4. Auckland Council in mid-2018 identified five potential sites for the proposed memorial and provided information on those sites to MCH.
5. In November 2018, prior to the design process being started by MCH, the Waitematā Local Board and Ngāti Whātua Orākei supported, subject to conditions, the location for the National Erebus Memorial. The board's support (resolution WTM2018/176) was given on the basis that the proposed memorial design followed a rigorous design process which included a review of the short listed designs by the Auckland Urban Design Panel and, as a separate process, the Waitematā Local Board. Set park values and outcomes were also articulated by the board and included as part of the memorial design scope and used as criteria against which shortlisted designs were assessed by the board.
6. 'Te Paerangi Ataata – Sky Song' was selected as the favoured design for the chosen location in April 2019. Auckland Council was not involved in this design process and does not have decision making authority over the design of the memorial.
7. 'Te Paerangi Ataata – Sky Song' is a walkway design that projects out towards Judges Bay. It will provide a space for visitors to reflect and remember those who lost their lives in the accident and also accommodate a wide range of additional users and interpretations.
8. In September 2019, the local board resolved to undertake public consultation before making a decision on granting landowner approval. The public consultation process carried out in October 2019 has been collated and presented for the local board's consideration.
9. The council consultation produced a total of 953 submissions from individual people or groups, with 58 of these submitting more than once. A petition was also received with 604 signatures opposing the proposed memorial, with approximately a third of these having made individual submissions as part of the council consultation.
10. The local board need to consider the impact of the proposed memorial on the park outcomes and values that the board agreed in November 2018.
11. The local board also needs to consider the views and preferences of those interested in, or affected by, the decision and must give due consideration to feedback received through the public consultation process.
12. Submissions have been collated to present the community views from the consultation. While more submitters felt that the memorial would impact negatively on their experience of Dove-Myer Robinson Park and reduce visitation, the feedback is more balanced when those

who felt the memorial would have a positive impact and those who felt it made no difference to their experience or visitation, are considered together.

13. Following the granting of resource consent and an Archeological Authority earlier this year, MCH now require landowner approval from the Waitematā Local Board to progress this project.
14. In determining a staff recommendation for the landowner approval, the views of those interested in, or affected by, the decision, including residents and community members and the Erebus family members have been taken into account. Consideration has been given to all of the submissions received as well as the petition. Account has also been taken of the views of MCH in terms of their support for Dove-Myer Robinson as the preferred location for the memorial and all technical reports and information provided by MCH.
15. The proposal has been assessed as being consistent with the park outcomes and values established in the November 2018 business report and changes to the landscape at Dove-Myer Robinson are localised. The proposed siting of the memorial is therefore considered appropriate and will allow for commemoration of a significant event in New Zealand's history.

## Ngā tūtohunga Recommendation/s

That the Waitematā Local Board:

- a) note the views of the community, family members where they have been expressed, Ngāti Whatua Orākei, the applicant, and the technical reports and advice provided in relation to the proposed National Erebus Memorial 'Te Paerangi Ataata – Sky Song' at Dove-Myer Robinson Park.
- b) approve the landowner approval application for the proposed National Erebus Memorial 'Te Paerangi Ataata – Sky Song' at Dove-Myer Robinson Park.

## Horopaki Context

16. The proposed National Erebus Memorial project is being sponsored and led by the Ministry for Culture and Heritage (MCH). Its purpose is to:
  - honour the lives of those who died in the Erebus disaster
  - acknowledge the effect the event had on families and recovery personnel
  - acknowledge significance of the event for New Zealand and New Zealanders
  - provide a place of contemplation and interest for all park users.
17. The ministry selected Dove-Myer Robinson Park as the preferred location from a short list of five sites in central Auckland put forward by Auckland Council. Of particular importance in this decision was the preference expressed by many Erebus families that the memorial be located at a site that was tranquil, accessible and park like.
18. 'Te Paerangi Ataata – Sky Song' was selected on advice from an expert panel as the preferred design from six shortlisted designs. The Prime Minister in consultation with the Mayor of Auckland endorsed the selection.
19. MCH originally submitted the landowner approval application in 2019 and the matter was due to come before the Local Board at the December 2019 business meeting. However, the application was withdrawn at MCH's request whilst MCH obtained a resource consent for the Memorial and authorization from Heritage New Zealand.

20. Resource consent from Auckland Council (LUC60345670 (s9 land use consent)) and authorities from Heritage New Zealand Pouhere Taonga (2021/061: R11/2681) have now been granted.
21. As part of the resource consent process under the Resource Management Act 1991, Auckland Council requested that an Independent Duty Commissioner give consideration as to whether the MCH consent application should be publicly notified. The Duty Commissioner (4 March 2020) determined the application could be considered without public notification on the basis, in part, that the adverse effects on the environment are no more than minor. The Duty Commissioner concluded in this regard that:

*The proposal would introduce a new built element within a public reserve. It is modest when taken in the context of the reserve as a whole and would provide for additional recreation activities within the reserve, including by providing a vantage point for views over the harbour. It is sited well away from any sensitive receiver or neighbour and will not visually dominate the reserve. The majority of the adjacent open lawn would be retained. The use of the reserve to accommodate memorials or artworks is not unusual, and the existence of a number of such installations within the wider reserve is noteworthy. Because of all of the above, the introduction of this new memorial would not adversely detract from the existing character and amenity values of the park, or the wellbeing benefits it provides the community (including regular reserve users), in a way that would be beyond minor.*
22. Now the necessary consents and authorities are in place, MCH is seeking landowner approval in order to proceed with the construction of the memorial at Dove-Myer Robinson Park. The Waitematā Local Board has decision-making responsibility for landowner approval applications in local parks. As this is a landowner approval decision, the local board needs to consider the impact of the proposed memorial on the park (**Attachments A and B**).
23. The local board also needs to consider the views and preferences of those likely to be interested in, or affected by, this decision. This is in accordance with the requirements of the Local Government Act 2002. When considering feedback provided as part of the consultation, the local board must receive the feedback with an open mind and give that feedback due consideration when taking its decision.

### The site

24. Dove-Myer Robinson Park, which incorporates Parnell Rose Garden, is located close to Auckland's city centre on the edge of the Waitematā Harbour. The site sits between Fred Ambler Lookout and Judges Bay. Further to the east of Judges Bay is the Parnell Baths.
25. The park, which is largely held as parkland under the Local Government Act, is 5.56 hectares in size and consists of open lawn areas enclosed by groups of large mature trees and a belt of bush that runs along the coastal edge. The site includes the Nancy Steen Rose Garden and a re-sanded beach on the edge of Judges Bay Lagoon.
26. The area for the proposed National Erebus Memorial at Dove-Myer Robinson Park is in an open terraced lawn at the northern extent of the park. The proposed site provides views out over Judges Bay Lagoon and the Waitematā Harbour to Rangitoto.
27. As part of MCH's site selection process, MCH obtained a report from Boffa Miskell, an environmental planning and design consultancy, on the suitability of the site in Dove-Myer Robinson Park. That report included an assessment of the site against a list of general site assessment criteria developed by Boffa Miskell.
28. Across the nine criteria identified, the report scored the site good in relation to one criterion, adequate in relation to four criteria, adequate to poor across two criteria, and poor in relation to two criteria. No score of excellent was given. A copy of the report is attached as **Attachment F** to this report. MCH have selected Dove-Myer Robinson as the preferred site for the proposed National Erebus Memorial.

## Park outcomes and values

29. MCH sought support to locate a memorial at Dove-Myer Robinson Park. Support was given by the Waitematā Local Board in November 2018 (resolution number WTM/2018/176) on condition that the necessary consents and authorities were sought and that the design for the proposed memorial was reviewed by the board and separately by the Auckland Urban Design Panel. The board's design review process involved assessing short listed designs against the following park outcomes and values (as set out in the November 2018 board business report):
- blending in with and being sympathetic to the natural environment
  - protecting view shafts
  - maintaining open space values
  - allowing multiple uses of the area
  - being consistent with the heritage and mana whenua values of the park
  - accommodating current use types / patterns
  - increasing the use levels of this area of the park
  - providing additional amenity value.
30. These outcomes and values were also supplied to the teams that entered the design competition managed by MCH and therefore formed an integral part of the design scope on which the winning entry was based.
31. There is no management plan to guide planning decisions at the park but the following plans and guidelines have some relevance; the Parks, Sports and Recreation Plaques and Memorials guideline document (2011), the Parnell Plan (2019) and the Waitematā Local Board Plan (2020).

## Strategic context

### *Plaques and memorials guidelines (2011)*

32. In June 2011, a guiding document was prepared for Auckland Council staff and local boards on the procedures for requesting plaques and memorials in Auckland Council parks.
33. The guideline protocols state that where a reserve management plan does not exist the guidelines, which provide for the memorials linked to significant events, be applied. Such events include commemoration of international, national and local events.
34. The proposed National Erebus Memorial was assessed under the guidelines and is supported by them.

### *The Parnell Plan (2019)*

35. The Parnell Plan provides direction and actions for development in Parnell over the next 30 years. It presents the local board and community's vision for the area and provides key objectives, strategies and a set of actions to achieve the objectives.
36. Five high level objectives are articulated in the plan. The following two are considered pertinent to the proposed National Erebus Memorial:
- enable the community to use and enjoy its great places and spaces
  - value, protect and enhance Parnell's natural environment.
37. These objectives do not provide definitive guidance on the appropriateness of the proposed National Erebus memorial. It could be considered that the memorial impacts on the natural environment but in terms of ecology and biodiversity outcomes that are focused on in the plan, these impacts are negligible. The granting of resource consent for the memorial was made partly on the basis that any adverse effects on the environment would be at most minor. In addition, the consent application was approved on the grounds that adverse effects

have been appropriately avoided, remedied or mitigated including by the conditions of consent volunteered by the applicant and those recommended by the council's staff.

38. With regard to 'use and enjoyment' the introduction of a memorial at Dove-Myer Robinson Park could be seen, as is reflected in consultation feedback, a positive or negative outcome. Resource consent was granted on the basis that the proposed memorial would not detract from the amenity or people's ability to use and enjoy the open space.

#### *Waitematā Local Board Plan 2020*

39. The Waitematā Local Board Plan 2020 has six key outcomes to help provide a focus for development and improvements across the board. The most pertinent outcome in relation to the proposed memorial is summarised as follows:

*High quality urban development that has accessible, versatile, and sustainable public and private spaces – We have a wide variety of community places and open spaces that are safe, accessible and versatile.*

40. It is considered that the proposed memorial aligns with this outcome.

#### **National Erebus Memorial design features**

41. Following the site selection, MCH completed a design process where designs were submitted for the particular lawn at Dove-Myer Robinson Park. The selected design for the memorial structure, 'Te Paerangi Ataata – Sky Song', is a directional linear pathway that is made up of three key components; a white concrete walkway and two feature walls that rise either side of the walkway as it extends out over the terraced bank (see **Attachments A and B**).
42. One wall is curved, made of stainless steel and will have 257 unique snowflake shapes cut out of it to represent those who lost their lives in the Erebus accident. The other wall will be made from precast white concrete and will have the names of those who lost their lives inscribed into the wall. There is a break in both walls to provide additional entry and exit points.
43. The walkway is just over 17 metres in length and on a gentle, but perceptible, 1:20 incline towards its end. It is cantilevered over the last nine metres, with a glass balustrade at its apex providing views out over the harbour. Three speakers concealed in the structure will play sound drawn from the movement of the sea ice, wind and animals of Antarctica. The sound will be subtle and heard only when standing immediately beside the speakers.

#### **Consultation**

44. After announcing 'Te Paerangi Ataata – Sky Song' as the winning design in April 2019, MCH undertook targeted consultation with local community groups including Parnell Heritage Inc, the Parnell Community Committee and other interested parties.
45. At the business meeting on 17 September 2019, the Waitematā Local Board received an extraordinary item to consider approving the landowner application for the National Erebus Memorial at Dove Myer Robinson Park. The local board resolved to undertake public consultation before making a decision on granting landowner approval (resolution number WTM/2019/197).
46. The public consultation requested by the board focused on the effects of the memorial on the people who use the park and have an interest in the project. The following two questions were asked and submitters were also invited to provide additional comments:
- Do you think the proposed National Erebus Memorial would affect your experience of Dove-Myer Robinson Park in Parnell?
  - Would it change the amount of times you visit the proposed site at Dove-Myer Robinson Park?

#### **Public consultation process**

47. The following consultation methods were used:

- Online survey on the council's Have Your Say consultation site from 25 September to 8 October 2019. This was then extended to 29 October 2019. In total the consultation ran for five weeks. Hard copy forms were also made available at the Parnell and Central City library.
- A drop-in session was held at the proposed site on Saturday 28 September from 1 to 3pm. The session provided a pegged outlay of the proposed memorial. Images of the design were made available and staff were present to explain key aspects of the design and respond to questions regarding the consultation.
- Flyers were delivered to neighbouring Parnell homes on two occasions. The first flyers promoted the consultation and drop-in session. The second flyer drop advised that the consultation was being extended.
- A3 posters were delivered to community venues such as Parnell and Central City library, Plunket, Parnell community centre and some nearby businesses.
- Eight A2 posters were put up in Dove-Myer Robinson Park.
- The consultation was included in the September 2019 edition of the Waitematā Local Board eBulletin and on the Waitematā Local Board Facebook page.
- Key local stakeholders were informed of the consultation by email and submitters were informed of the extension by email and mail.
- Two Our Auckland articles were published.

### The local board's role

48. The Waitematā Local Board has a range of matters to consider . These include reasons for and purpose of the memorial, impacts on established park outcomes, placemaking, specialist advice, consents/authorities granted as well as the views and preferences of persons likely to be affected by, or have an interest in, the landowner approval whether they are in support or opposed.
49. The local board is asked to consider whether landowner approval should be granted for this new memorial structure.
50. The local board do not have decision-making authority over the design of the memorial.
51. The quality of the design has been reviewed by the Auckland Urban Design Panel and relevant council staff have provided information through the approval and consenting processes.
52. The local board must consider the views and preferences of those likely to be interested in, or affected by, their decision and must consider all of the submissions received through consultation with an open mind and give those submissions due consideration when taking its decision. Those interested in and affected by the decision include those who reside nearby and those who regularly use the park.
53. The local board may consider that those likely to be most affected by or interested in the decision are those who regularly use the park and all those who have an interest in the establishment of an Erebus memorial.
54. However, consideration needs to be given to all park users which includes not only those who live or work in relatively close proximity to the park and use it regularly, but also those who live in the wider board area and Auckland region, as well as those New Zealanders and international visitors who come to the park infrequently.
55. Dove-Myer Robinson is a destination park that caters for the entire region and draws national and international visitors. Those who are affected or interested in the decision will not exclusively reside nearby. People may have an historic connection to the area, a connection with one of the numerous other memorials spread across the park or are simply recreational visitors who have travelled from other parts of Auckland, New Zealand or the world.

## Tātaritanga me ngā tohutohu Analysis and advice

56. The 'Te Paerangi Ataata – Sky Song' design was reviewed by the Auckland Urban Design Panel, Auckland Council's Parks, Sports and Recreation department and the Waitematā Local Board who in 2019 stated that the design would be viewed favourably if selected.

57. The park outcomes and values were assessed on the following basis.

*Blending in with and being sympathetic to the natural environment*

58. The scale of the design is considered appropriate to, and fits well within, the park setting.

*Protecting view shafts*

59. The views of the Waitematā Harbour from the proposed location for the National Erebus Memorial are out to the north-east. The memorial is similarly aligned in a north-easterly direction and therefore views from this location will be largely unaffected. The project looks to enhance the current views from the grassed bank through the removal of three exotic Mexican Fan Palm trees that currently partially block the views.

*Maintaining open space values*

60. The memorial structure and path have a footprint of 175 square metres. This is a comparatively small footprint over a site of 55,600 square metres but noting the memorial presents a new built structure that will change the look and feel of the terraced lawn area within the park.

61. The land contours and spread of mature specimen trees across Dove-Myer Robinson Park mean that the proposed memorial would remain unseen from most other locations within the park.

62. The visual and landscape effects are therefore localised and well away from any sensitive receiver. There is little impact on the wider landscape within the park and an additional artistic installation is not considered to compromise the reserve, and it will remain a site characterised by natural open spaces.

63. Resource consent was granted on the basis that the proposed memorial's 'visibility will not result in adverse effects that could be more than minor from any individual viewpoint or in an overall sense'.

*Allowing multiple uses of the area*

64. The memorial itself will add additional recreation activities within the reserve and another dimension to the park in terms of providing a linear and directional pathway of high design quality. The end of the walkway will provide a vantage point from which views out to the Waitematā Harbour can be enjoyed.

65. The proposed memorial seeks to accommodate a wide range of users through an accessible design and inspire a range of interpretations and meanings that allow for reflection and contemplation.

*Being consistent with the heritage and mana whenua values of the park*

66. The three following key values expressed by mana whenua have been identified and incorporated into the memorial design:

- Whānaungatanga (relationship, kinship, sense of family connection)
- Kaitiakitanga (guardianship)
- Manaakitanga (hospitality).

67. The 'huarahi/journey' that is established by the proposed memorial is set up to allow for an individual to create space in their heart and mind to keep the memories of their loved ones alive.

68. 'Te Paerangi Ataata – Sky Song' maintains and enhances visual connections to Taurarua and the wider Waitematā, as well as other significant sites such as Rangitoto – reinforcing the unique sense of place and identity of the location.
69. It is proposed that the interpretive material at the memorial is given in both te reo Māori and English, and that the traditional name of the site Taurarua is recognised within it.
70. Resource consent was granted on the basis that there were no adverse effects on mana whenua/cultural values that might be more than minor.

*Accommodating current use types / patterns*

71. The terraced open lawn area, the proposed location for the memorial, currently provides views to the harbour and is a place where people can sit, enjoy quiet respite and picnic.
72. The memorial structure will take up approximately one fifth of the open lawn and is set well into the southern half of this area. The northern half of the lawn remains untouched and will provide for continued enjoyment of current pastimes and capacity for formal gatherings of several hundred people. Whilst the proposed structure partially separates open space, access through and seating around the memorial would ensure recreation use of the space continues to be enjoyed.

*Increasing the use levels of this area of the park*

73. The Erebus anniversary on 28 November is likely to be marked by one single annual event on site. Smaller family gatherings may also occur at other times but, across the year, visitation levels are predicted to increase at low levels.

*Providing additional amenity*

74. The memorial could be an attractive addition to the park and a feature that would become a destination in its own right attracting more visitors to the park and providing a space for events.
75. The Duty Commissioner processing the resource consent commented in conclusion that 'the introduction of this new memorial would not adversely detract from the existing character and amenity values of the park, or the wellbeing benefits it provides the community (including regular reserve users), in a way that would be beyond minor.'

### Assessment of submissions received

76. A total of 953 submissions were received from people and groups via the online form, hard copy form and emails. Of these, 58 of the submitters had entered feedback more than once and therefore were not counted in the quantitative assessment. There were a total of 895 submissions that were used for the quantitative assessment which are summarised in **Attachment C**. All submissions have been attached as **Attachment D** to this report.
77. The following organisations submitted feedback as part of the council consultation process:
  - Erebus National Memorial Advocacy Group (in support)
  - Occupy Garnet Road (in opposition)
  - Memorial Committee Dutch Veterans (in opposition)
  - Parnell Community Committee (in opposition)

### Petition

78. One of the submissions received as part of the council consultation included a petition with 604 signatures opposing the proposed memorial at Dove-Myer Robinson Park. The petition collected people's names, city of residence, email addresses and comments. The names and emails were cross checked with the council consultation and there were 200 signatories who also submitted individual feedback through the council consultation. The petition can be found under **Attachment E** of this report.
79. The petition has been considered by staff and all comments made under the petition have been read and included in the analysis. However, the petition has been excluded from the



graphs summarising the response to the particular council consultation questions. Data required to populate the graphs was not available from the data given on the petition. For example, there is no detail on where people reside within Auckland or to how frequently people would visit.

### Overall summary of answers to survey questions

80. Of those who submitted on the council consultation, 57 per cent felt they would have a more negative experience and 43 per cent would have a more positive or the same experience. The views of the public are relatively split between those who feel they may have a worse experience and those who may have a better or unchanged experience.
81. There is also a relatively even split between those who would visit less often and those who would visit more often or not change how often they visit. Of those who submitted on the council consultation, 49 per cent would visit less often and 51 per cent would visit more often or not change how often they visit.
82. It is clear, however, that those signing the petition add to the numbers in opposition to the proposal.
83. Staff did a further analysis on the 406 people who signed and did not provide an individual submission through the council consultation process. The majority indicated that they lived in Auckland, but did not give a specific address.
84. The petition organiser has advised that most signatories are from the Parnell area. There were 53 people who indicated they lived in the Waitematā Local Board area, 22 who indicated a specific suburb in Auckland but outside of the Waitematā Local Board area, and 9 who were from outside Auckland.

### Place of residence analysis – Waitematā Local Board responses

85. This is a landowner decision in relation to a local park and it is, therefore, likely to be of particular interest to those who regularly use the park. Although there will not necessarily be an exact correlation, it may be expected that those most likely to regularly use the park will be those who reside in close, or relatively close, proximity to the park. To ensure the views of local residents can be clearly identified and considered, staff have split responses according to residential location.
86. A total of 325 submissions were received from people who reside in the Waitematā Local Board area. 74 per cent of Waitematā Local Board area residents indicated they would have a more negative experience and 67 per cent would visit the park less often or had opposing comments.

### Place of residence analysis – wider Auckland and outer Auckland responses

87. A total of 450 residents from the wider Auckland area made up most of the submissions and there was a relatively even split between those who may have a worse experience (51 per cent) and those who would have the same or better experience (48 per cent). There were 96 submissions from outside Auckland and the majority of people would have a more positive or same experience (80 per cent) and would not change how often they visit or would visit more often (82 per cent).

### Analysis of main themes from feedback

88. The tables below provide a summary of the consultation results and the common themes that the local board should consider for the landowner approval, as well as additional themes that were common throughout the consultation. The feedback received as part of the petition has been included in this analysis.

More negative experience and likely to visit less often – Local board to consider	
Theme	Additional Comments
The proposed memorial	The green open space at Dove-Myer Robinson Park is valued

will occupy open space, limiting recreational activities and obstructing views.	by submitters who use the area for recreational activities such as walking and picnicking. There are concerns that the proposed memorial will have a negative effect on the ambience of the park and restrict existing views of the surrounding features, including the trees, harbour views and green space. There have been comments that the size of the memorial is overpowering.
The proposed memorial does not fit with the existing historic and natural features of the park.	Some commented that the national memorial did not fit well within the park and the existing features. Many commented on the existing heritage of the park and they felt the memorial did not blend in with the surrounding environment.  Submitters felt the proposed memorial was overwhelming and would have a negative visual impact on the park.
The proposed memorial is not suitable for this location.	Some did not understand the association between Dove-Myer Robinson Park and the Erebus accident.  Some gave suggestions for it to be placed in other areas of Auckland and the country, with a particular preference for the memorial to be placed in a more open area or space linked to aviation or regional significance.
The selected design is wrong, unappealing and will attract crime.	Some were not supportive of the materials proposed for the memorial and thought the structure was too big. There were concerns that the area would attract rough sleeping, unpleasant behaviour and potentially graffiti.  Some submitters felt that the wrong design had been selected and would prefer to see a smaller, more natural memorial that is more subtle and takes up less space.
The proposed memorial will have a significant impact on the surrounding trees, in particular the large pohutukawa.	Some mentioned the significant pohutukawa tree in their feedback and expressed concerns that the tree may be threatened by the construction and placement of the proposed memorial.  <i>*An independent arborist and council arborist have confirmed the proposed works under the dripline of the tree are minor and will not have adverse effect on the tree.</i>

<b>More positive experience and likely to visit more often – Local board to consider</b>	
Theme	Additional Comments
The proposed memorial will add another element to the park.	Some felt that the proposed memorial will be another point of interest in the park and occupy a space at Dove-Myer Robinson Park that is currently not used by many people.  Many commented that the proposed memorial would be an attraction that would invite more visitors to Dove-Myer Robinson Park and enhance their experience of the peaceful location.
The proposed memorial would add to the serenity of the park.	Some felt the memorial should be in a special place in the park that will benefit from a significant memorial and enhance their experience of a peaceful location.  People felt that there was a strong connection between the land and the design and felt that visiting the area of the park would provide an emotional and serene experience.
The proposed memorial will not have a negative	Some submitters recognised that this area of the park is enclosed amongst beautiful trees and easily accessible from other areas

impact on the other areas of the park.	of the park. Comments were made that the structure would not have an impact on the other features that make this park special such as the Rose Garden.
The proposed memorial will provide a space for people to reflect and remember those who lost their lives.	Some felt a memorial is long overdue and think the proposed memorial is a special place to reflect and learn about the significant event in New Zealand's history.  Many shared their connection with the event and felt the memorial was appropriate and needed.
The proposed location in accessible area.	Some commented on the location being suitable and were supportive of the fact the memorial was proposed in central Auckland.

## Options

89. The local board has two reasonably practicable options – to approve or decline the landowner approval application.
90. The advantages of approving the landowner application are that the proposed memorial will add another element of interest to the park and will add another dimension to the park in terms of providing a linear and directional pathway of high design quality. The end of the walkway will provide a vantage point from which views out to the Waitematā Harbour can be enjoyed. The memorial may become a destination in its own right attracting more users to the park.
91. The disadvantages of approving the application are that it may negatively impact on some user's enjoyment of the park by reducing open space and may result in some regular users reducing their use of the park.
92. The advantages of declining the landowner application are that the area remains green open space maintaining the existing enjoyment of some regular users. The disadvantage is that the park loses the opportunities identified above.
93. If the local board declines the application, MCH would need to consider if, and how, they wish to restart the site and design selection process for a National Erebus Memorial in Auckland.
94. The design is not 'transplantable' to other locations and significant work and cost goes into identifying suitable sites. 'Te Paerangi Ataata – Sky Song' is a site-specific design using the terraced glade at Dove-Myer Robinson to create a linear cantilevered walkway experience that creates universal emotions of both adventure and loss.
95. Selecting a new site that fits MCH's criteria for a peaceful park-like setting and fulfils flexibility, functionality and accessibility criteria will be challenging.

## Tauākī whakaaweawe āhuarangi

### Climate impact statement

96. There are no anticipated impacts on the climate as a result of this proposal.
97. The karo, oak sapling and three palm trees that are proposed for removal will be replaced with three native species.

## Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

### Council group impacts and views

98. The application and its effects have been assessed by a number of technical experts on behalf of both the applicant and the council. These areas of expertise include engineering, acoustics, arboriculture, historic heritage, ecology, storm water, landscape architecture, soil contamination, sediment management, policy planning and regulatory planning.

99. Due to the significant heritage values in this park, the applicant was required to obtain archaeological authority from Heritage New Zealand Pouhere Taonga. This authority, which is a separate process to the landowner approval and the resource consent processes, has now been granted (Authority no. 2021/061: R11/2681).
100. The Parks, Sports and Recreation and Community Facilities Departments have worked closely to ensure that the proposal meets all relevant council policies and guidelines and that wider park outcomes, such as those relating to ecology and archaeology, are protected.
101. Should the project proceed, and prior to the commencement of construction, a Cultural Monitoring Plan shall be prepared and endorsed by Ngāti Whātua Ōrākei. This plan would be implemented on site for the duration of the land disturbance activities.
102. In terms of the specifics around ensuring any archaeology associated with Kilbryde House and the Mataherehere Pā site are protected, all consent conditions will apply.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

### Previous resolutions and input from the local board

103. In November 2018, the Waitematā Local Board and Ngāti Whātua Ōrākei supported in principle, the location for the National Erebus Memorial (resolution number WTM/2018/176).
104. The resolution stated that the board:
 

“supports locating the National Erebus Memorial at Dover-Myer Robinson Park at the proposed location identified in Attachment A to the agenda, subject to:

  - a)
    - i. all necessary building and resource consent requirements being met
    - ii. a rigorous design process which includes a review of the short-listed designs by the Auckland Urban Design Panel and, as a separate process, the Waitematā Local Board
    - iii. the local board granting landowner approval for the installation of the winning design subject to board approval of this design
    - iv. Ministry for Culture and Heritage providing funding to cover all costs relating to the installation and future maintenance of the structure and associated landscape features.
105. Board feedback was provided during the design selection process and ‘Te Paerangi Ataata – Sky Song’ was considered a favourable design which met the park outcomes set out by the board. The design was also reviewed by the Auckland Urban Design Panel made up of four urban design, landscape and architectural experts. They viewed the design as having significant merit and being appropriate for the site from a landscape perspective.
106. At the business meeting on 17 September 2019, the Waitematā Local Board received an extraordinary item to consider approving the landowner application for the National Erebus Memorial at Dove-Myer Robinson Park. The local board resolved to undertake public consultation before making a decision on granting landowner approval (resolution number WTM/2019/197).
107. Workshops were held on 19 November 2019 and 27 October 2020 to go through the park outcomes and present the consultation results.

### Local impact

108. There were 325 submissions from people in the Waitematā Local Board area. The majority of Waitematā Local Board residents indicated in the public consultation that they would have a worse experience and would frequent the park less often if the memorial was constructed in the park.

109. There were 53 people from the Waitematā Local Board area who signed the petition opposing the selected memorial at Dove-Myer Robinson Park. There may have been more from the area that signed the petition and indicated they lived in the Auckland area.
110. Those who live locally generally felt that the memorial was not right for the site. People felt the area should remain an open grassed lawn and considered the memorial to not be a good fit with the existing park features. There were also people who were concerned with the significant surrounding trees in the area
111. Since the survey was undertaken the resource consent decision by an independent commissioner indicated that adverse effects on the local environment would be at most, minor.
112. The proposed memorial will change the landscape of the park and people's experiences, whether they be positive or negative, but staff consider that this change is limited to a small and defined area of the park.

### Regional and national impact

113. The purpose of the memorial is to commemorate the 257 passengers and crew who lost their lives in what remains one of New Zealand's worst civil disasters. The event is significant in New Zealand's history and 2020 marks the 41st anniversary. Many consultation comments were from people who knew someone that was on Air NZ flight 901.
114. There were 450 submissions from people in the wider Auckland area (excluding Waitematā Local Board residents) and 96 from outside Auckland. Submitters in the wider Auckland area were relatively split on how the National Erebus Memorial would affect their experience of the park, and the majority of those outside Auckland would have a better or unchanged experience

### Tauākī whakaaweawe Māori

#### Māori impact statement

115. MCH began consultation with Ngāti Whātua Ōrākei in November 2018, and wider mana whenua consultation has been completed as part of the resource consent process. In addition to the direct engagement with Ngāti Whātua Ōrākei, MCH sent the proposal to the following iwi for feedback:
  - Ngāi Tai ki Tāmaki
  - Ngāti Maru
  - Ngāti Pāoa
  - Ngāti Tamaoho
  - Ngāti Tamaterā
  - Ngāti Te Ata
  - Ngāti Whanaunga
  - Ngāti Whātua o Kaipara
  - Te Ahiwaru - Waiohua
  - Te Ākitai Waiohua
  - Te Kawerau a Maki
  - Te Patukirikiri
  - Waikato – Tainui.
116. Of these mana whenua groups, only one response was received from Ngāti Whanaunga. In August 2019, the mana whenua group requested the opportunity to prepare a report with recommendations to MCH. MCH responded to the request advising that an extensive review

was not anticipated and advised the group that MCH were willing to discuss any specific concerns relating to the design or the archaeological assessment. There has been no further correspondence from the mana whenua group following the response from MCH.

117. Dove-Myer Robinson Park – Taurarua Pā is a significant site within the Ngāti Whātua Ōrākei rohe. Ngāti Whātua Ōrākei support and acknowledge that this is a nationally important project. The proposed memorial provides a way for whanau of those lost in the tragedy to reflect and remember their loved ones but also accommodates a wide range of users and interpretations.
118. Ngāti Whātua Ōrākei and the design team both recognise the site is a treasured piece of whenua which will complement and honour the memorial. The memorial is ideally positioned as a place to celebrate land, sea and sky and is extremely important to the hapu. The design acknowledges and strengthens these connections to the elements. Specifically, three key values have been identified and ingrained in the design:
  - Whānaungatanga (relationship, kinship, sense of family connection)
  - Kaitiakitanga (guardianship)
  - Manaakitanga (hospitality)
119. The quality of the whenua is maintained with limited ground surface modifications. All temporary effects from construction will be restored on completion. The values of the land will be enhanced by the presence of 'Te Paerangi Ataata – Sky Song'.
120. 'Te Paerangi Ataata – Sky Song' is a title that incorporates both languages and the interpretive material proposed for the memorial is given in both te reo Māori and English.

### Consultation results: People who identify as Māori

121. There were 46 submissions that were made by people that identified as Māori. There were 16 submissions from the Waitematā Local Board area, 27 from the wider Auckland area and three submissions from outside Auckland.
122. Overall, 54 per cent of Māori thought the memorial would improve their experience or not change their experience of Dove-Myer Robinson Park, and 39 per cent thought it would worsen their experience. Seven per cent of Māori did not know whether it would affect their experience of the park. Some 59 per cent of Māori thought they would visit more often or not change how often they visited the park. The remaining 41 per cent said they would visit the park less often.
123. In terms of Mana Whenua values, applying Tikanga and Mana Whenua values during the works, as well as the planting of native trees as proposed, will ensure that the land disturbance will not impact on Mana Whenua values to the extent that any specific Mana Whenua group would be adversely affected.

### Ngā ritenga ā-pūtea Financial implications

124. The construction and ongoing maintenance of the proposed memorial and associated features will be covered by MCH. There will be no financial cost to the local board for the National Erebus Memorial and associated infrastructure. A maintenance agreement will be confirmed prior to the completion of the memorial to ensure the maintenance costs are covered by MCH.

### Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

125. The following table identifies the risk of the two options; approving the landowner approval application or declining the landowner approval application for the proposed National Erebus Memorial at Dove-Myer Robinson Park. The risks associated with either option is considered to be high.

<b>Option 1 – Approve the landowner approval application</b>		
<b>Risk description</b>	<b>Mitigation</b>	<b>Risk rating post mitigation</b>
<p>If the landowner approval is granted, those who signed the petition and indicated they would have a more negative experience in the council consultation, may be dissatisfied with the decision.</p> <p>Ill feeling and protests in the community could also continue and potentially escalate. A memorial that aims to bring people together in loss could have the opposite effect at a local level.</p> <p>If land owner approval is granted the decision could be judicially challenged and reviewed.</p>	<p>Throughout the process, the council has consulted with relevant specialists to ensure alignment and protection of park values and outcomes.</p> <p>As requested by the local board, the views of the public have been sought and the feedback has been considered.</p> <p>The risk of being judicially challenged can be mitigated by the local board ensuring that it carefully considers all relevant information put before it prior to making a decision.</p>	<p>As with any new feature being introduced to a park, there will be differing views on how people feel it impacts upon amenity values.</p>
<p>If the landowner approval is granted, there will be temporary risks with the construction of the memorial.</p>	<p>All works will need to be completed with significant consideration to the health and safety of park users.</p> <p>All works on and near any significant trees will need to be completed to best arboriculture practices to ensure there is no detrimental damage to the trees during works.</p>	<p>The contractors must be vigilant and considerate to surrounding park users and the park setting. If correct procedure is followed, there is relatively low risk to the park and its users, during construction.</p>
<b>Option 2 – Decline the landowner approval application</b>		
<b>Risk description</b>	<b>Mitigation</b>	<b>Risk rating post mitigation</b>
<p>If landowner approval is not granted, the families of the Erebus victims would have to wait longer for a memorial in another location.</p> <p>MCH, who have invested considerable time and expense thus far, will have to restart the whole site selection and design process.</p>	<p>Staff could work with MCH to find an alternative location for a national memorial.</p>	<p>Finding a high-quality Auckland site that provides a peaceful park-like setting, and that is befitting of a national memorial that accommodates the views of locals, will continue to be extremely challenging.</p>

## Ngā koringa ā-muri Next steps

126. If the local board approves this application, the applicant will receive land owner approval for the proposed National Erebus Memorial and the associated infrastructure at Dove-Myer Robinson Park. The landowner approval letter will be issued to the applicant with conditions that will mitigate any detrimental effects on the reserve.
127. If the local board declines this application, the proposed National Erebus Memorial will not be granted landowner approval at Dove-Myer Robinson Park. MCH would need to restart the entire process of finding an appropriate location and designing a new memorial.

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## Ngā tāpirihanga Attachments

No.	Title	Page
A	Application Plans and Supporting Documents ( <i>Under Separate Cover</i> )	
B	Plans, Approvals, Reports ( <i>Under Separate Cover</i> )	
C	Consultation Summary ( <i>Under Separate Cover</i> )	
D	Consultation Feedback ( <i>Under Separate Cover</i> )	
E	Petition ( <i>Under Separate Cover</i> )	
F	Boffa Miskell Report ( <i>Under Separate Cover</i> )	

## Ngā kaihaina Signatories

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Authorisers	Rod Sheridan - General Manager Community Facilities Trina Thompson - Local Area Manager