

7 December 2020

Brodie Stubbs
Manatu Taonga Ministry for Culture and Heritage
Former Public Trust Building
131 Lambton Quay
Wellington 6140

Via email: Brodie.Stubbs@mch.govt.nz

RE: Landowner approval for the National Erebus Memorial at Dove-Myer Robinson Park, Parnell

Dear Brodie,

I refer to your application for landowner approval sought for the construction of the National Erebus Memorial 'The Paerangi Ataata – Sky Song' at Dove-Myer Robinson Park, Parnell.

The proposed memorial was approved at the Waitemata Local Board's 17 November 2020 business meeting (resolution number WTM/2020/298).

This letter records formal landowner approval on behalf of Auckland Council and is contingent upon return of this letter, signed with the signatures of those persons authorised to bind the party they sign for and on behalf of.

This landowner approval is subject to the following conditions:

General conditions

1. All works must be completed in accordance with the following documents:
 - the landowner approval application, this letter and:

- the following plans

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- Location Plan, ref A-10-00, revision G, dated 11/9/19
 - Existing Plan, ref A-10-01, revision F, dated 11/9/19
 - Proposed Plan, ref A-10-02, revision F, dated 11/9/19
 - Level 00 Plan, ref A-12-01, revision H, dated 11/9/19
 - North, South Elevations, ref A-15-01, revision H, dated 11/9/19
 - Long Sections, ref A-16-01, revision H, dated 11/9/19
 - Cross Sections, ref A-16-02, revision H, dated 11/9/19
 - Proposed Contours Plan, ref P19-184-110-EW, revision 4, dated 9/9/19
 - Depth (Cut/Fill) Contours Plan, ref P19-184-120-EW, revision 4, dated 9/9/19
 - Depth (Cut/Fill) Contours Plan Under Tree Dripline, ref P19-184-121-EW, revision 3, dated 30/9/19
 - Erosion and Sediment Control Layout Plan, ref P19-184- 180-EW, revision 6, dated 30/9/19
 - Erosion and Sediment Control Details Plan, ref P19-184- 181-EW, revision 1, dated 8/7/19
 - Proposed Path Layout, ref P19-184-200-RD, revision 4, dated 9/9/19
 - Path/Walkway Long Section & Typical Cross Section Plan, ref P19-184-220-RD, revision 3, dated 29/8/19
 - Proposed Drainage Plan, ref P19-184-300-DR, revision 4, dated 9/9/19
 - Proposed Drainage Long Sections, ref P19-184-310-DR, revision 1, dated 29/8/19
 - Typical Service Trench for Power and Water Supply, ref P19-184-700-UT, revision 1, dated 9/9/19

2. Public liability insurance is to be obtained for a sum of at least \$1,000,000.00 and a copy of the cover certificate provided at the pre-start meeting before works start. Council accepts no liability in respect of any damage caused to or by the applicant or their contractor.
3. The applicant must notify all lessees or stakeholders on the park prior to works commencing, which may affect them (such as the restaurant/function centre with regard to temporary access, and the Dutch memorial committee with regard to their annual event).
4. The Facilities Manager (below) will be able to provide you with details as to maintenance regimes and any upcoming events on the park.

Other consents still required

5. This letter provides landowner approval only and does not replace the requirement for resource consent or the need to comply with all other applicable laws or acts (including the Property Law Act 2007), regulations, and bylaws. All works must be completed in accordance with the rules of the Auckland Unitary Plan or the conditions of any resource

consents or permits issued by Auckland Council, including those under the Building Act 2004, and the Resource Management Act 1991.

Pre-start conditions

6. The applicant must contact the Facilities Manager (Waitemata), [REDACTED] to arrange a pre-start site meeting to discuss the proposed works. The Facilities Manager must be provided with five working days' notice of the meeting.

The facilities manager must approve:

- timing of the works
- evidence of public liability insurance
- signage and closing off of the work area from the public
- access to undertake the works
- requirements for any fencing requirements to ensure public safety
- a date to check re-instatement.

Arboricultural conditions

7. All arboriculture works are to be done in accordance with the tree asset owner approval granted by council, dated 31/10/19. No tree works beyond those approved can take place.

Site safety

8. The applicant must install signage at all entrances to the reserve outlining the project, expected construction time, the purpose of the works, and contact details of the applicant or their agent. This must be installed seven (7) days prior to work starting.
9. Any physical works must be carried out in accordance with the requirements of the Health and Safety at Work Act 2015. The contractors undertaking the works must:
- a) have all relevant current health and safety qualifications
 - b) comply with all reasonable directions given by the council in relation to health and safety in connection with the council land
 - c) ensure, so far as is reasonably practicable, the health and safety of its representatives and those who are influenced or directed by it while carrying out work for it
 - d) ensure the health and safety of other persons, including service providers, the public, and visitors, is not put at risk from works carried out.
 - e) ensure, so far as is reasonably practicable, that the way in which any equipment is installed is without risks to the health and safety of any persons who:
 - (i) use or install such equipment; or

- (ii) are at or in the vicinity any may be affected by that use or activity
 - f) immediately provide the council with information about any health and safety matters relating to the works, if requested.
10. It is the responsibility of the applicant to ensure that any contractors undertaking works within the reserve comply with all necessary statutory and council Health and Safety standards.
 11. The construction site must be fenced with 1.8m high standard construction site fence (mesh panels) to prevent access to the physical work site by the public. Danger signs advising of the construction area must be mounted on the inside of the fence panels facing likely access routes by the public. Signs must be maintained in a clearly legible condition at all times.
 12. Any works undertaken on the reserve, or contractor access over the reserve, must be controlled in an approved manner that protects the public from danger or undue inconvenience at all times.

During construction

13. All contractors must be made aware of this landowner approval and ensure compliance with these conditions. All personnel working on the site must be made aware of and have access to the contents of this landowner approval and any associated environmental protection plans and methodology.
14. All noise generated from the approved works must comply with the provisions of the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

Archaeological – Mana Whenua

15. Should any items and/or artefacts of significance or value to Mana Whenua surface during the works, all works must cease immediately, and accidental discovery protocol and notification procedures must be administered and followed.

Silt controls / pollution

16. The consent holder must implement suitable sediment control measures during the earthworks in accordance with the standards and controls described in Auckland Council's Technical Publication GD2016/005 to ensure that no contaminants (i.e., concrete slurry, concrete water, hydrocarbons) enter the stormwater system.
17. Any tracking of contaminants (sediment, concrete) through any on site or external sealed area must be avoided, or appropriately cleaned at the end of each work-day
18. In the event that contaminants are discharged from site, the applicant must use appropriate measures to immediately control and remedy the situation. If a significant spill occurs on site, the applicant may contact the Auckland Council Pollution Response Team for advice on clean-up by calling the 24/7 Pollution Hotline (09 377 3107).

Completion of the works

19. Upon completion of all works, the applicant must provide Council with GPS locations and as-built plans showing all finished hard and soft assets so that all subsurface assets can be mapped. Please provide these plans to landadvisors@aklc.govt.nz.
20. The applicant must leave the reserve and all its existing assets tidy and clear of stones, rubbish, debris, building materials and excess soil.
21. The applicant must undertake full reinstatement of any damage to the reserve surface or its assets to original or better condition. Any damage done to the reserve environment and not reinstated within 30 days will result in council's contractor carrying out any reinstatement work necessary. The applicant will be invoiced for all expenses, including any staff time in reinstating the reserve area.
22. The applicant must contact the facilities manager and the land use advisor (contactable on the details provided below) within 5 days of completion of the works to arrange a reinstatement inspection.
23. This written approval expires two years from the date of issue of this letter.

Please note, the council is granting approval for temporary access and works in its non-regulatory capacity. This approval does not bind the council in its capacity as a regulatory authority in any way, and any consent or approval given under this agreement is not an approval or consent in its regulatory capacity, and vice versa.

The council will not be liable to any other party if, in its regulatory capacity, the council declines or imposes conditions on any consent or permission any party seeks for any purpose associated with this approval.

If there are any amendments to this proposal a new assessment will need to be undertaken by Community Facilities prior to any works commencing and approval will be subject to the Manager Land Advisory Services.

Please return this letter in its entirety, including the applicant's signature below, to [REDACTED]

[REDACTED]
[REDACTED] **Upon Manager Land Advisory Services signing, you will be provided with a counter-signed copy and this approval will be deemed effective.**

[REDACTED]

Auckland Council as
landowner under delegated
authority by



Digitally signed by Allan Christensen
Date: 2020.12.16 18:10:34 +13'00'

Authorised Signatory
Allan Christensen

On behalf of Ministry of Culture
and Heritage



Authorised Signatory

Print Name: Brodie Stubbs