

12 October 2005

New Zealand Historic Places Trust
P O Box 13339
TAURANGA

Attention: [s 7(2)(a) - Privacy]

Dear [s 7(2)(a) - Privacy]

Undertaking Planting Work on Mauao without an Archaeological Authority

Thank you for your letter dated 30 September 2005.

On 22 September 2005 a small planting of trees took place on Mauao Historic Reserve. It is acknowledged that the authority for this work had not been finalised.

The planting in question concerned a donation of quality plants from a respected and known member of the community, [s 7(2)(a) - Privacy]. The number of plants put in was initially 50, but an additional donation took it to 100 plants. The authority applied for, covered thousands of plants which have not been planted at this stage, and will not be until, and if, the authority is granted.

Our Ranger on site [s 7(2)(f)(ii)] a new staff member, had received advice from our City Arborist that the plants needed to be planted before the dry summer season started.

[s 7(2)(a) - Privacy] only previous experience with the granting of authorities had concerned one authority which you had kindly assisted us by speeding up the processing during the May flooding. This authority had been granted in a couple of days and [s 7(2)(f)(ii)] was totally unaware of the normal three-month processing timeline, and had made the misassumption that a couple of days is the normal waiting time. Consequently, feeling pressured to get the plants into the ground he had programmed contractors to complete the work, expecting that the authority would be well in hand at the time of planting. This was, regrettably, not the case.

It is important to note that a long and formal process of negotiations had preceded this event. The Conservation Plan for Mauao (March 2004) which included consultation with yourselves, Iwi groups, archaeologists and Wildlands Consultants had detailed these specific plantings.

Iwi were consulted independently regarding both the fencing plan and also the plantings (see File note, 23/8/05 – record of meeting held 16/8/05, attached).

Wildlands Consultant [s 7(2)(a) - Privacy] and Archaeologist [s 7(2)(a) - Privacy] had both been consulted regarding where the planting should occur. (File note, 23/8/05 – record of meeting held 15/8/05, attached).

The trees planted were done so in exact accordance with all the above directives. It is noted that planting was undertaken in response to land instability resulting from the severe heavy rainfall events in May 2005. The need to mitigate the effects of slip damage in the vicinity of

the Pa and the likelihood of further slips has been accorded high priority for remedial action and an agreed direction arose from discussions with all stakeholders.

Although it may be considered that s 7(2)(f)(ii) has acted with disregard he has assured me this is not the case and hastened to add that with the exception of this omission, he has attempted to follow the correct procedure at every step, including making the call to yourselves when the animal bones were found, when the full knowledge of his omission was made known to him.

In conclusion, I would like to say that s 7(2)(f)(ii) mistake is obviously a serious one but that it came about through a combination of inexperience and miscalculation of timeframes.

Council acknowledges that the planting should not have occurred before the Historic Places Trust decision on the application was made, and unreservedly apologies for this oversight. All staff have been formally reminded of the Statutory requirements governing protection of archaeological sites and Council procedures relating to these.

I confirm that no further plantings are planned on Mauao in archaeologically sensitive areas at this stage. The next programme for planting is scheduled for April/May 2006 and will be undertaken pursuant to the application recently submitted to the Historic Places Trust for which we are waiting approval.

Council appreciates the constructive working relationship and processes that have been developed with the Historic Places Trust to ensure the protection of archaeological sites and has taken steps to ensure that the correct procedures are followed in future.

Council acknowledges that an oversight has occurred in this case. However, in light of the above circumstances and Council's desire to maintain an ongoing constructive relationship with the Trust, we are hopeful that a decision will be made against prosecuting in this case. Council would be happy to work with the Trust towards a more constructive solution such as reviewing its systems or distributing information to staff members to ensure the same mistake does not occur again.

I am happy to meet with you (and any other representative of the Trust) if this will assist in providing further clarification.

Yours faithfully

s 7(2)(f)(ii)