

Date: Thursday 27 March 2025
Time: 9.30am
Meeting Room: Upper Harbour Local Board Office
Venue: 6-8 Munroe Lane
 Albany
 Auckland 0632 and Via Microsoft Teams

Upper Harbour Local Board

OPEN MINUTE ITEM ATTACHMENTS

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27th March 2025.

NORTH HARBOUR LOCAL COMMUNITY BOARD.

Thankyou for allowing me to speak at this meeting.

I am here today representing 3 residential property owners in Greenhithe, who have been given unreasonably short notice to protect our properties from what appears to be a highjack attempt by Historic Heritage, to take control over our rights as private citizens and private property owners.
This may sound dramatic, but considering we were only advised of this move on Monday of this week, it is more likely an understatement.

Our pursuit is to stop a major imposition being forced upon our livelihood, through Historic Heritage identifying our property as a Place of Historic Heritage. This, without any consultation, discussion with us, or pre-warning, by providing no proof nor evidence in support of their claim.

Rebecca Ramsey, Senior Specialist: Heritage, is proposing to present her report to the Planning Committee in April, recommending a Plan Change, providing access and rights to a third party.

We first learnt about this from her on Monday this week.

The proposed Plan Change affects all 3 family homes, all on private property, all being invaded and I am here before you, asking for your help to circumvent this.

The summary of events below, explain our situation to date from the time we first purchased the property.

MY STORY:

My wife and I purchased a 3Ha block of Residentially zoned land, at 9 Te Kawau Pass, Greenhithe, in 2009. At the time of purchase, the North Shore City Council District Plan was the operative Plan and at that time, all of the information contained in the District Plan formed the basis for our purchase. It was a legal document with which I was familiar, my profession in Architecture required me to be knowledgeable in gaining information from the District Plan for any developments that I was acting for on behalf of our clients.

At time of purchase of our property, the NSCC District Plan clearly defined ours and all surrounding residential sites, along with the reserve that wraps around the periphery of these properties, down to the water's edge of the Upper Harbour and the Hellyers Creek estuary. While our property and all other neighbouring properties had no markings or references to any Historic Heritage Places, four were identified within the reserve below, all on the SW side of the headland, along and close to the edge of Hellyers Creek where the terrain is more easily accessible. Two of the sites are defined as possible midden's, one as a possible Pa site, the third as a possible settlement. All of these markings are wholly outside the boundaries of all private properties located in the area, all are contained clearly within the Reserve.

Three of these sites can be identified on page 3 in the report, marked as black squares, numbered 50, 285 and 980.

We purchased the property on the understanding that ours was free of any claims and 4 years later, 2013, began investigation into a subdivision for a total of 3 sites.

2013 was the year that the Auckland Unitary Plan was released to the public, this meant that both the NSCCDP and the AUP ran parallel, (until such time as the AUP passed public notification and became the sole operative Plan).

As both Plans were in parallel at the time of our investigating subdivision, the Town Planners whom we engaged to seek Resource Consent, were required to comply with both Plans and in their research discovered that the AUP had added our property as a noted Place of Historic Heritage interest within the schedule of Archaeological sites. The Planners enquired into this finding and were advised by Council, that there was no historical evidence in support of this additional reference and that it was in error.

- This was endorsed sometime later by Unitary Plan Customer Response Coordinator, Ruth Keeling.-2013
- Then again by Council Heritage Team, Rachel Ford.-2015
- Followed by Planning Information Advisor, Robyn Kvalsvig.-2017
- A site visit by the Council Principal in Specialist Cultural Heritage.- Robert Brassey, endorsed the reference as being inaccurate, recommended for removal.-2019
- The error was also endorsed with the decision to grant an Auckland Council Resource Consent for subdivision of 9 Te Kawau Pass, acknowledging that no Historic Heritage references were attached to the property, all were within the Reserve below.-2017

As seen, since 2013, I have received emails from many Council officers, some holding senior authority positions, declaring any reference to 9 Te Kawau Pass, being identified as a Place of Historic Heritage interest, to be in error.

Page 8 in Rebecca's report, also acknowledges Russell Foster recommending the site be deleted from ArchSite, as did Geometria in 2010.

In 2023, after 10 years of being promised a Plan correction and my pursuing same with emails to many different officers, I finally managed to gain the proper attention of the Senior Specialist, Heritage – Heritage Policy, Rebecca Ramsay, who followed up our request in what we understood would be a Plan change, recognising the error that had been identified.

On 2nd December 2024 we were requested a site visit by Rebecca and her colleagues, including a representative from Mana Whenua, Edward Ashby, to cite the subject property, in again, what we understood to be a confirmation visit to endorse that the identification found to be in error, was to be confirmed as being so, and thus, be corrected by way of a Plan change.

The meeting was cordial with no suggestion that any other option was being considered.

At the meeting, Edward Ashby, Mana Whenua, standing atop a mown lawn front yard area, surrounded by gardens in a fully developed, residential property, standing at 84m above sea level, able to take in an uninterrupted view up and down the Upper Harbour, portrayed a story of Ancestors possibly visiting this highpoint as a lookout spotting friend or foe from a distance.

Naturally being taken in by the cleared, lawned and landscaped surroundings, Edward completely overlooked the more likely probability, that the site on which he was standing would have been covered in dense bush at the time of his Ancestors. That along the whole length of the edge of the site where he was standing, right down and wrapping around the NW face, as seen from the motorway bridge, is a precipitous 20-40m, shear

drop. A drop that is difficult to climb or traverse, a drop that would cause extremely serious bodily injury, if not death should one fall.
Council are well familiar with this cliff face, having notified the property owners of slips to the cliff edge that occurred in the 2023, following the 100 year storm.
To presume access up to this highpoint from either of those cliff faces is unlikely.
Access would most likely have been gained from the lower regions of the reserve, on the SW side abutting Hellyers Creek, exactly where markings 50, 285 and 980 are shown, (page 3 in Rebecca's report), where the terrain is more accessible.

HERITAGE REPORT.

On the 11th February 2025, following the site visit, Rebecca Ramsay emailed me her report of their findings, that they were committed to a Plan Change identifying our property as a Place of Historic Heritage.

Mana Whenua had, following the site visit, now declared our property, a site of high esteem. All, it would appear, based upon a story that someone may have walked over it. Upon reading Rebecca's report, it is found lacking in any evidence or proof that any of her suppositions are true.

It reads more as a story, a story that shows R11_50 moved from the SW lower area of the headland onto the property at (since subdivision, now) 11 Te Kawau Pass. Given that the recent moving of reference R11_50 has been made with no evidence or proof that the new location is correct, this appears to be an attempt to support a story. We know this move was only recent as when Robert Brassey made his site visit in 2019, R11_50 was still showing in the Unitary Plan as being located in the reserve on the SW edge.

It is a story that completely undermines all previous investigations and findings by respected Council officers, recorded as recommending that the error claiming Historic Heritage reference to our site is indeed an error and should be removed.

- It is a story that threatens the democratic right of 3 families to own a place of residence as a family home, to be allowed to retain their privacy and to be left undisturbed.
- A right that should be absolute, that if any change to any persons private property is to be proposed, that it should first be discussed with the owners of that property prior to it being considered for public notification.
- A right that protects the owners privacy and does not put on display, in a poorly prepared report, photographs of the owners own property without their permission, as part of the report. (The photo of our front lawn that adorns the front page of Rebecca's report, is a photo that she took, firstly without seeking permission, and then, again without asking or gaining permission, placing it on the front page of her report, for all to see and take a personal interest).
- This form of abuse, assumes that it is a given right for Historic Heritage to take advantage of their privilege of position, by themselves assuming rights over everybody else.

This is private property that was purchased free of encumbrances, has had no previous interest or historical identification attached to it, has never before been referenced as a Place of interest, that is, until the error appeared in the AUP and Historic Heritage decided to claim it, by re-locating the Black Square R11_50 from the Reserve, onto our property and re-defining it as a purple dot R11_50.

How can this be condoned without any consultation or discussion being held with the rightful, legal owners of the property and what future implications does such a decision hold for current and future property owners?

What privacy rights are the owners expected to surrender, founded upon a baseless story that holds no proof or evidence in its support, written, following the citing of a private property, (unattached to past identifications of heritage sites), written, based upon speculation that someone may have walked over it sometime in the past?

After Rebecca Ramsay advising that her report had already been accepted through Council circulation, I wrote back asking for an explanation from her. Rebecca informed me at very short notice (Monday this week) that her "Report" is to be submitted to Council's Policy and Planning Committee for a Plan Change in April and is unable to be changed.

This placed us in a very precarious position, requiring very urgent attention.

We were caught completely unaware of these proceedings, Council is with complete disrespect and disregard for our rights as private property owners, attempting to take command of our property and has offered us no discussion or consultation as owners. We consider this to be absolutely and extremely undemocratic, it is simply not right that Council can take command of anybody's private property, based upon an unfounded and speculative story.

SUMMARY

- All of the information gathered from past Council officers, who have investigated the claim that 9 Te Kawau Pass is a Place of Historic Heritage, as scheduled in the AUP, has without doubt been shown to be in error and identified as needing to be corrected.
- The report prepared by Rebecca Ramsey, is conveniently silent on these points, is full of errors and in no way represents a truth. For example, the suggestion that the proposed new site location is mostly in Council reserve can easily be proven to be in error given a site boundary overlay, this claim has been fabricated to serve a purpose.
- The report wholly undermines the rights and respect for private property owners.
- The fact that Council has made no contact with the owners, nor held any discussion or indeed any form of communication, and is pursuing support from the Local Board without notifying the owners of their intentions, strongly suggests that there is an attempt being made to rush this article through, in the hope that command over private property can be taken without challenge from the legal owners. It is flippant, to say the least.

If successful, this change has the potential of becoming a precedent, that could impact on any rates paying property contained within the Unitary Plan of Auckland Council.

**THE PRIVATE PROPERTY OWNERS OF 9,11&13 TE KAWAU PASS, GREENHITHE,
RESPECTFULLY ASK YOU NOT TO SUPPORT THIS REPORT SEEKING A PLAN CHANGE.**

Thankyou for listening.
Terry Randell.

HISTORIC HERITAGE

HERITAGE: – Definition from the Oxford dictionary

- Property that is or may be inherited.

INHERIT:

- Receive (money, property or title) as an heir at the death of the previous holder.

Council has never owned this property and died, to pass it onto an heir.
Council has not been an heir to the previous owner of this property.

To attempt to claim rights to a property under the guise of “HERITAGE” is a misnomer.
Council have no recorded “HISTORIC” attachment to this property, other than issue of titles and consents for development.

Item 9.1

Attachment A

the AUP criteria and thresholds for the identification and evaluation of historic heritage places. The review is guided by the Methodology and Guidance for Evaluating Auckland's Historic Heritage.⁴

As part of its Strategic Vision 2018-2028, the Auckland Council Heritage Unit identified the 10-year target of ensuring that the historic heritage overlay of the AUP is robust. *how is this determined? evidence? proof or story?*

A site visit by Auckland Council officers was conducted on 2 December 2024. Te Kawerau ā Maki representative, Edward Ashby, was also in attendance.

Background & constraints

Information on the history of the place and a physical description are sourced from Auckland Council Heritage Unit's property files and any other sources as noted. The information in the files is not exhaustive and additional research may yield new information about the place.

Where information on the Mana Whenua values of this place is publicly available or has previously been provided to council⁵, it has been included in this review to help inform Mana Whenua engagement. The values that Mana Whenua hold on the place may differ from its other historic heritage values and are to be determined by Mana Whenua. Engagement with Mana Whenua has provided information about Mana Whenua values. Further input from other iwi may provide additional information on the Mana Whenua value of this place.

error!! As an archaeological site, the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) apply to the place.⁶ These provisions do not allow the modification or destruction of an archaeological site without prior authority granted under the HNZPT Act.

The AUP Accidental discovery rule protects and manages the accidental discovery of sensitive material, including human remains and kōiwi, archaeological sites and Māori cultural artefacts/taonga tuturu.⁷

Heritage New Zealand Pouhere Taonga List: N/A

New Zealand Archaeological Association (NZAA) site record number:⁸ R11/50

Cultural Heritage Inventory number (CHI): 7104

Tūtangi Ora O Ngā Mana Kōrero Heritage Item number: 2597

SCHEDULING INFORMATION

Settlement site R11_50 was originally scheduled in the North Shore City Council District Plan 2002 (NSCCDP) as ID 50 - Settlement (Headland).⁹

extent of place, whether the place is subject to additional rules for archaeology, and whether the place is of interest to Māori

⁴ August 2020, version 2. Accessed: <https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/protecting-our-heritage/Pages/how-evaluate-aucklands-historic-heritage.aspx>

⁵ Providing it is not confidential in nature.

⁶ HNZPT Act, section 42 and 43

⁷ AUP Chapter E11 Land disturbance – Regional E11.6.1 Accidental discovery rule and Chapter E12 Land disturbance – District E12.6.1 Accidental discovery rule.

⁸Sourced from ArchSite the national archaeological site recording scheme.

⁹ Appendix 11B: Schedule of Archaeological Sites

