

TIMELINE – 55-85 Curtis Street

Mar. 1999 – Wellington City Council (WCC) sells site to Foodstuffs Properties (Wellington) Ltd.

May 2004 – WCC publishes maps showing future initiatives for the Outer Green Belt include adding the site as Council-controlled open space.

Nov. 2007 – Foodstuffs sells to Terrace Heights Holdings, a wholly-owned subsidiary of PrimeProperty Group (PPG).

2008 – PPG and WCC staff agree on including rezoning of site as a Suburban Centre in Council's Centres Review.

Nov. 2008 – PPG complains to WCC that site has not been included in draft plan change as a new suburban centre as had been agreed. WCC invites PPG to make submission on DPC73.

May 2009 – WCC (Strategy and Policy Committee - SPC) agrees that sites proposed for rezoning outside of Centres may be assessed against criteria for rezoning agreed for DPC73. Curtis St site meets none of these.

Sep. 2009 – WCC staff recommend rezoning site for reasons unrelated to agreed criteria for rezoning for DPC73. Public notices of zone changes fail to describe rezoning of the site.

Sep. 2010 – DPC73 adopted. Site rezoned to Business 2. Only one of 15 new business areas rezoned from residential and open space to create a new suburban centre, without any public notice of this.

Apr. 2011 – PPG applies for resource consent to build a Mitre10 Mega store on the site.

Jun. 2011 - WCC notify ten properties deemed to be directly affected by the consent application. One property alerts all of the surrounding properties.

Jun. 2011 – Residents ask to meet with WCC planners and Western Ward councillors. Meeting is hosted by Councillor Andy Foster and has to be held in the council room because about 50 concerned residents attend.

Jul. 2011 - Residents learn that site has been rezoned to Business 2. WCC asserts that residents had a chance to submit if they had bothered to read the District Plan Change documents.

Jul. 2011 – WCC Parks and Gardens staff learn of consent application and record their opposition in view of the site's location and ecological value.

Aug. 2011 - Residents hold a public meeting and form the CVRA. WCC advises that Mitre10 application has been suspended.

Sep. 2011 – CVRA asks WCC to exercise its right to withdraw the site from DPC73, because WCC has acted illegally in including the site and not giving accurate notice of it. WCC legal advisors say that WCC has not acted illegally and has nothing to fear.

Nov. 2011 - CVRA files for High Court judicial review of WCC actions.

Dec. 2011 – CVRA learns of a separate earthworks consent, not notified, for 1,950m² of vegetation to be cleared and 14,000m³ of fill to be placed on the site over the summer months of 2011-2012.

Dec. 2011 – CVRA obtains an injunction to postpone the earthworks until the judicial review is heard.

Feb. 2012 – High Court hears CVRA, WCC and PPG in judicial review.

Apr. 2012 – High Court finds that rezoning was illegal and restores site to Residential and Open Space B zoning. Court rules earthworks consent invalid.

May 2012 – WCC staff report to SPC on outcome of judicial review and recommend rezoning site as Business 2 as a priority. SPC instructs officers to commence rezoning.

Jul. 2012 – WCC commissions ecological, landscape, urban design, heritage, economic, transport and geotechnical assessments of the effect of a business use rezoning.

Aug. 2012 – WCC officers meet with CVRA and PPG to discuss zoning options.

Sep. 2012 – WCC officers report to SPC that site is unsuitable for business use under the available two Business Area zones and recommend a site-specific set of rules for a business area there.

Dec. 2012 – WCC notifies proposed Plan Change 77 Curtis Street Business Area for public submissions and releases assessments. Ecological assessment shows site vegetation protects regionally significant indigenous vegetation and habitats of indigenous fauna.

Mar. 2013 – Submissions on DPC77 received from 65 concerned residents and organisations, with only five in favour of the proposed new zone.

Apr. 2013 – PPG applies for a new consent for earthworks involving clearing 2,625m² of vegetation from the Open Space B area and 2,400m² of vegetation from the Residential area, and filling the site to a depth of 8m with 43,060m³ of fill. Proposal involves filling 1,070m² of legal road reserve. The application is not notified.

Sep. 2013 – Independent Commissioners hear oral submissions from 16 submitters and some expert testimony from authors of assessments commissioned in or after July 2012, but not from the author of the ecological assessment. Author of Landscape Assessment recommends controls on earthworks and vegetation clearance to maintain character of landscape.

Oct. 2013 – local body elections.

Dec. 2013 – PPG applies for resource consent for residential development of the site in two stages involving 26 houses in the Residential zone and 19 houses in the Open Space B zone. Application refers to 27,000m³ of fill, but contains plans showing 44,180m³ of fill is contemplated.

Dec. 2013 – WCC receives the report of the independent commissioners, recommending policies and rules for a site-specific Business Area with provisions intended to protect vegetation on both sides of the site, and adopts the recommendations.

Jan. 2014 – WCC notifies Plan Change 77. Submitters have to close of 26 Feb. to appeal.

Feb. 2014 – CVRA lodges notice of appeal with Environment Court on 26 Feb. PPG lodges notice of appeal on 28 Feb. PPG files for waiver of time for notice of appeal.

Feb. 2014 – PPG advises WCC that earthworks to be undertaken under the earthworks consent will involve 40,000m³ of fill.

Mar. 2014 – Local media carry artist’s impressions of a proposed residential development on the site, showing 27 houses built on 27,000m³ of fill with Open Space B area left unoccupied.

Mar. 2014 – WCC publicly notifies the earthworks consent application, because it involves “potentially contaminated land”. Submissions close on 1 April. CVRA calls public meeting.