

Serious deficiency in briefing - Curtis Street - supermarkets

Tabled Information - Michael Gibson
023/12P(A)

Extract from Public Notice dated 11 December 2013 re proposed Curtis Street Plan Change

Dedicated objectives, policies and rules have been developed to enable various business and commercial activities on the land subject to area-specific environmental controls which include:

- controls on the establishment of **SUPERMARKETS** (emphasis added) and integrated retail developments for the purpose of managing impacts on existing centres.....

Extract from email of 31 January 2013 to Cr Andy Foster following luncheon meeting with him that day:

"Supermarkets" as an "encumbrance" re the 55-85 Curtis Street property.

You kindly agreed to find out the answers to two questions:

- a) what is the legal significance of this? &*
- b) how can the "encumbrance" (or whatever) be lifted or otherwise changed?*

Emails to the Mayor & to Cr Foster re "Serious deficiency in briefing - Curtis Street - supermarkets"

From: michaelpcgibson@hotmail.com
To: celia.wade-brown@wcc.govt.nz; andyf@wgtncrls.co.nz; mayor@wcc.govt.nz
CC: creswickvalleyra@gmail.com; pjitesh@hotmail.com; sheena@bennett.net.nz;
garry.poole@wcc.govt.nz; ian.hunter@wcc.govt.nz; john.morrison@wcc.govt.nz;
putnam@paradise.net.nz; joc@wgtncrls.co.nz
Subject: Serious deficiency in briefing - Curtis Street - supermarkets
Date: Wed, 23 Jan 2013 12:27:25 +1300

Dear Celia & Andy - this is a formal complaint that elected members were not adequately briefed by officers re the inclusion of the reference to supermarkets in the proposed Plan Change when the Curtis Street rezoning was last considered. See correspondence shown below.

There are, of course, other problems, but when you have been able to discuss this particular matter with senior management I would appreciate your comments.

Otherwise: a Very Happy New Year to both of you.

With my usual best regards,
Michael

From: michaelpcgibson@hotmail.com
To: sarah.edwards@wcc.govt.nz
CC: garry.poole@wcc.govt.nz; ian.hunter@wcc.govt.nz
Subject: RE: Update - Curtis Street - supermarkets
Date: Wed, 23 Jan 2013 12:13:09 +1300

Dear Ms Edwards - Happy New Year, & thank you.

For the sake of completeness: the Draft Plan Change definition to which you refer appears to be as follows:

SUPERMARKET: means a retail shop selling a wide range of foodstuffs, including fresh produce, meat, fish, dairy, alcoholic and other beverages, and packaged food for consumption off-site, as well as non-food grocery items and household goods. This definition includes discount stores, hypermarkets, department stores and warehouse club stores, where foodstuffs comprise more than 10% of the total gross floor area.

I hope you do not mind if I raise my concerns about the conduct of the briefing on the matter with my relevant representatives.

Again, thank you - with kind regards,

Michael Gibson

From: Sarah.Edwards@wcc.govt.nz
To: michaelpcgibson@hotmail.com
CC: Ian.Hunter@wcc.govt.nz
Date: Wed, 23 Jan 2013 11:31:56 +1300
Subject: FW: Update - Curtis Street - supermarkets

Dear Mr Gibson,

I refer to your email to Andrew MacLeod received 7 January which raises several queries about supermarkets in relation to the Curtis Street site. Andrew has passed this on to me to respond to and for ease of reference, I will respond to your questions in the order as detailed in your email.

1) No.

Appendix B was drafted following Councillor questioning regarding the potential impact of business development in Curtis Street on nearby Centres. These questions were raised at the pre Strategy and Policy Committee meeting on 20 November 2012. Officers were asked to draft a possible amendment, which was subsequently agreed at the reconvened 6 December meeting.

) The definition of "supermarket" is the same definition that was introduced as part of Plan Change 73 (Suburban Centres Review) which was drafted by Officers.

3)(ii) No, Officers do not recall this issue being discussed.

3)(iii) The covenant wording states:

"That the Encumbrancer will not use, lease or permit to be used or leased on any portion of the Land or any buildings now or to be erected on the Land for the purpose of carrying on the business of a supermarket or which is associated with the

conduct of any such business on an adjoining site including providing vehicular access to such site and/or car parking and/or trade service vehicle access for any such business".

Kind Regards

Sarah Edwards

Sarah Edwards Senior Policy Advisor - District Plan
Urban Development - Wellington City Council
a| 101 Wakefield St, Wellington 6140 p| 04 801 4235 f| 04 801 3231

From: Andrew MacLeod
Sent: Monday, 7 January 2013 2:08 p.m.
To: Sarah Edwards
Subject: FW: Update - Curtis Street - supermarkets

From: Michael Gibson [mailto:michaelpcgibson@hotmail.com]
Sent: Monday, 7 January 2013 1:53 p.m.
To: Andrew MacLeod
Cc: Ian Hunter; creswickvalleyra@gmail.com; Sean Audain
Subject: RE: Update - Curtis Street - supermarkets

Dear Mr Macleod - thank you for this information today. It is very helpful. I hope you do not mind my forwarding it to the Creswick Valley Residents' Association.

As you know, I have been taking an interest in the Council's mention of supermarkets in the official proposed Plan Change documents.

1/ Did "APPENDIX B AS TABLED AT THE (RECONVENED) MEETING....NOT SUPPORTED BY OFFICERS" emanate from the Residents' Association?

2/ If not, where did it come from & when? (I am particularly interested because of its quite sensible-seeming approach to addressing the meaning of "supermarket".)

3/ With reference to the helpful email advice to me from Sarah Edwards dated 12 December 2012 ("With regard to the covenant on the title, you are correct, there is a covenant attached to the title that states the encumbrancer will not use, lease, permit or erect buildings on site for supermarket purposes. Nevertheless, the plan change also contains controls on supermarkets and integrated retail developments")

(i) what definition of "supermarket" is the Council using for the purpose of its Plan Change proposals,

(ii) were Councillors informed about the "covenant attached to the title" at the Meeting when they were considering "APPENDIX B", &

(iii) what is the exact wording of the "covenant attached to the title"?

I am sorry to be asking these questions but, with any luck, the answers will save a lot of time & effort down the track - I am also conscious of the Council's advice to me that 'economic' matters do not constitute valid grounds for submissions under the R.M.A. (I hope that I have understood this correctly!).

May I take this opportunity to wish you & the other addressees a very Happy New Year?

With kindest regards,

Michael Gibson

From: Andrew.MacLeod@wcc.govt.nz

To: michaelpcgibson@hotmail.com
CC: Ian.Hunter@wcc.govt.nz
Date: Mon, 7 Jan 2013 09:37:44 +1300
Subject: RE: Update - Curtis Street

Dear Mr Gibson,

Further to emails below, and specifically your email request dated 7 December 2012, please find attached:

- Strategy and Policy Committee decisions for the 22 November 2012 meeting (reconvened on 6 December 2012) - please note this includes decisions on the Curtis Street rezoning issue, shown as tracked changes from the recommendations in the officer report.
- Additional material tabled at that meeting relevant to Curtis Street (at the very back of the document)

Best regards,

Andrew Macleod

From: Andrew MacLeod
Sent: Wednesday, 12 December 2012 4:18 p.m.
To: 'Michael Gibson'
Cc: Ian Hunter
Subject: RE: Update - Curtis Street

Dear Mr Gibson,

Your request is noted.

I will send this information through to you when it has been finalised and issued by our Democratic Services team.

Best regards,

Andrew Macleod

From: Michael Gibson [mailto:michaelpcgibson@hotmail.com]
Sent: Friday, 7 December 2012 9:57 a.m.
To: Andrew MacLeod
Cc: Sarah Edwards; Ian Hunter
Subject: RE: Update - Curtis Street

Dear Mr MacLeod - thank you for letting me know this. I am most grateful to you.
Can you give me exact details of any changes made by the Committee to the proposals which were on the Agenda for the Meeting on the 22nd as well as any extra tabled material, please?
(I am sending Mr Ian Hunter a copy of this in case it is relevant to an O.I. request I made a couple of days ago.)
Thank you again.

With kind regards,
Michael Gibson

From: Andrew.MacLeod@wcc.govt.nz
To: michaelpcgibson@hotmail.com
CC: Sarah.Edwards@wcc.govt.nz
Date: Fri, 7 Dec 2012 09:31:04 +1300
Subject: Update - Curtis Street

Dear Mr Gibson,

The Strategy & Policy Committee yesterday voted to notify the Curtis Street plan change on Tuesday (11 December).

The notification process will include a letter sent out to directly affected parties identified on the impact catchment map. This will be as per the version I have already sent you, with the addition of properties at the northern end of Rosehaugh Ave. This was agreed with the Creswick Valley Residents Association on Monday.

If you have any queries about this or other aspects of the plan change please let me know.

Best regards,

Andrew Macleod

Principal Programme Advisor - District Plan
Wellington City Council
101 Wakefield St
P.O. Box 2199
Wellington 6140

Ph: (04) 803-8695

Mobile: 021-227-8695

Fax: (04) 801 3231

Email: andrew.macleod@wcc.govt.nz

Web: www.wellington.govt.nz

The information contained in this email is privileged and confidential and intended for the addressee only. If you are not the intended recipient, you are asked to respect that confidentiality and not disclose, copy or make use of its contents. If received in error you are asked to destroy this email and contact the sender immediately. Your assistance is appreciated.