

**BEFORE THE COMMISSIONER APPOINTED ON BEHALF OF  
INVERCARGILL CITY COUNCIL**

**UNDER** The Resource Management Act 1991  
(the **Act**)

**IN THE MATTER** of an application for Resource Consent  
to demolish a Category II heritage  
building under Heritage New Zealand  
Pouhere Taonga (HNZPT) list -  
Business 2 & Industrial 1 Zones at 100-  
116 Gore Street, Bluff; RMA/2023/72

**BETWEEN** **BLUFF OYSTER AND FOOD  
FESTIVAL CHARITABLE TRUST**

**Applicant**

**AND** **INVERCARGILL CITY COUNCIL**

**Local Authority**

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**BRIEF OF EVIDENCE OF JOHN EDWARD EDMINSTIN**

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## **BRIEF OF EVIDENCE OF JOHN EDWARD EDMINSTIN**

### **Introduction**

1. My full name is John Edward Edminstin, I am a Skipper, residing at Bluff.
2. I am currently the Chairperson of the Bluff Oyster and Food Festival Charitable Trust and I have held this position since 2008.
3. The purpose of this evidence is to set out the background to this application, the process the Trust has been through to get here and why we need demolish the buildings.
4. The section 42A report appears to be based on an assumption that the Trust has largely sat on its hands until the building has reached a point where demolition is inevitable. That is simply not the case. Over many years the Trust has sought to find a way to retain the building, but for a range of reasons that has not been possible. The Trust is as disappointed to find itself in this position as anyone else. But, we need to move forward so that the festival can get up and running again and the site can once again be available to the wider community.

### **Background**

5. The Trust was formed in 2008. Its whole purpose is to organise and run the Bluff Oyster Festival which has historically been a mainstay of the Bluff social calendar. The Trust has built the event into a significant event that attracts approximately 4000 people each year. This brings with it significant economic and social benefits to the small community of Bluff and provides community groups with a fundraising opportunity every year.
6. The Trust purchased the application site in 2014. The land behind the Club Hotel and two adjoining properties was for holding the event. We intended to subdivide off and sell the buildings once a buyer was found.

7. The building had been leaking for numerous years and suffered significant water damage which led to black mould issues. It had been re-roofed prior to our purchasing it.
8. The Club Hotel building was classified as a category 2 historic building in 2015, against our wishes, after we purchased it.

### **Efforts to develop a solution for the building**

9. In about 2015 we engaged in extensive discussions with Heritage New Zealand about options to adaptively reuse the building. These discussions included:
  - (a) Auckland University assessed it as a case study in EQ Strengthening but opted out after viewing the Coles Consulting engineers report.
  - (b) Heritage NZ had Win Clark assess it and whilst he would not provide us written confirmation, he deemed Building One (Colonial Bank) able to be saved by building another building inside the current building. It would have cost in excess of \$2million to do this which was a level of investment beyond the capacity of the Trust.
  - (c) We offered to subdivide the buildings off and gift them to the Heritage NZ free of charge, which they declined.
10. The buildings were extensively advertised for sale including through Heritage New Zealand who promoted the sale to their email list and on their website. We also promoted it via social media and traditional media, seeking input from anyone who had any ideas or possible solutions. We had no approaches.
11. In the interim the Trust made some investments to try and make the buildings more attractive including \$35,000 to remove the asbestos products in the building. We are very pleased we did that when we did as it makes the demolition process more straight forward.

12. Unfortunately, due to the poor state of the building and complete lack of interest we were unable to sell the buildings on. The Trust was hugely disappointed that a solution could not be found.
13. The reality is that the Trust simply does not have the capacity financially or technically to take on a redevelopment of this scale. We are not commercial building developers. The total lack of interest also points to the fact that the economics are challenging anyway – without the added complexity associated with the heritage listed building.
14. Our capacity has been further impacted by Covid-19 and this protracted process. We have now had to cancel two festivals in the last 3 years (one due to Covid-19 restrictions and the other due to the issues associated with the Dangerous Building Notice). We are now at risk of having to cancel next years festival as well. Our financial position is precarious given our significant investment in our purpose built site which is now freehold. It is highly likely that if we are unable to run another festival that the Trust may become insolvent and may need to be wound up.

#### **How the site is used**

15. The site has been the home of the Festival since we purchased it in 2014. However, it is not the only thing that the site has been used for since we have owned it. The Trust has made the site available for other community organisations and events including:
  - (a) Tunatuna Pump Track
  - (b) South Port Open Day assembly point
  - (c) Space used to support the Burt Munro event.
  - (d) Staging and support area for Tour of Southland Cycling race.
  - (e) Base for 2022 Yunca Junior Tour of Southland
  - (f) Starting point for Bluff to Kaitaia Hot Rod Run

- (g) All weather use for various children's sports training; tee ball, softball, netball etc
  - (h) Motor Home Association gatherings
  - (i) Christmas in the Bluff
  - (j) St John Cadet training space
  - (k) Try-Whanau
  - (l) Rangitahi Zone
  - (m) Large funerals, usually relating to maritime disasters
  - (n) Craft markets and car-boot sales
  - (o) Bluff School Jubilee
  - (p) NZ Secondary School Mountain Bike championship staging area
  - (q) It has also been used for some private events that included liquor or evening use. Our commitment to being a good neighbour has meant we no longer make it available for that purpose.
16. The site is generally available free of charge with only a few users offering a donation. The Trust had electricity and lighting installed to make the space more user friendly. This is provided free of charge too. As a community charitable organisation we will continue to make the site available for use.

#### **Proposed public access area**

17. Obviously, we have proposed to landscape the front portion of the site and enable people to utilise it. The landscaping plan was prepared with assistance from experts at WSP with input from the Trust. This space has no operational connection with the festival itself and is provided solely for the purposes of beautifying the main street and honouring the Club Hotel with the use of interpretation panels.
18. From an operational perspective the Trust does not currently favour the State Highway frontage being the main access for the Festival. This is

because of the significant traffic management challenges that we face if we need to use the State Highway.

19. Because Bluff is fairly remote, many of our festival attendees travel from out of town and need to be accommodated in Invercargill. Therefore, we organise buses to provide transport and a safe means of getting to and from the festival. From a traffic management and safety perspective there are significant advantages to this happening off the State Highway.
20. We are not opposed to adding some further things to the Landscape Plan, such as plantings and/or cover for people. However, we don't want to find ourselves in an endless process of getting feedback. In the previous attempt to obtain consent we included planting etc and that proposal did not find favour either.
21. In terms of public access – the trust is a community organisation and we are happy to enable people to use the site that we are landscaping. Having said that we don't know what the long term future of the site will be and how the Trust may evolve the festival over time. In light of that uncertainty, the Trust does not want to agree to the registration of an easement in perpetuity.

#### **Where to from here?**

22. The Trust is deeply disappointed that no request for information was made by the report author in relation to the mitigations being offered. The report appears to accept that the building needs to be demolished with the remaining question being what does the landscaping etc look like. We feel this should have been able to be resolved with the Council staff, as it has been with NZHPT. We find ourselves stuck between a rock and a hard place. The Dangerous Building Notice prevents us from doing anything on the site, and we can't address that until we get a resource consent.
23. The failure, by the Council to engage with us regarding mitigation has placed greater costs on our volunteer run organisation. This at a time,

where the Dangerous Building Notice prevents us running our festival meaning that we currently have no income.

24. The committee has a proven track record of running a very successful festival and supporting Bluff. We want to be able to get back to doing that, including by providing a place where the community can enjoy the Club Hotel site. We would have been more than open to amending the site plan in light of feedback, if only it had been given. Instead we find ourselves in a formal hearing, needing support from experts.
25. We had been hopeful that following discussions with NZHPT, and reaching agreement on conditions we could avoid the need for a hearing. We are starting to run extremely close to the wind on being able to complete demolition in time to run our festival again next year. The need to have this hearing was really our worst-case scenario. We implore you, the Commissioner, to give us the green light so that we can make some progress for the benefit of the Bluff Community.
26. If this application fails, we will remain in no man's land again – where we can't do anything with the site while everyone waits for the weather to demolish the building, or for the Council to have to step in and do it. We don't want the cost of this to fall to ratepayers.
27. Granting consent will allow us to move forward with confidence – get our festival up and running again, allow other community groups to use the site and for us to be generating income that will allow us to explore more opportunities for the site. This is so obviously the best outcome for the Bluff Community.

Dated 1 November 2023

John Edward Edminstin