

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-198

IN THE MATTER of the Resource Management Act 1991

AND of an application under section 85 and
clause 21 of the First Schedule of the
Act

BETWEEN **REDMOND RETAIL LIMITED**

Applicant

AND **ASHBURTON DISTRICT COUNCIL**

Respondent

**REBUTTAL STATEMENT OF EVIDENCE OF BARRY JAMES REDMOND
ON BEHALF OF REDMOND RETAIL LIMITED**

Dated 5 July 2019

Russell Moon & Fail

Lawyers
PO Box 22
Ashburton 7700
Telephone: (03) 308 3191

Solicitor: Gretchen Hart

Counsel Instructed:

Prudence Steven QC
Canterbury Chambers
PO Box 9344
Christchurch 8149

Telephone: (03) 343 9834

Email: pru@prusteven.co.nz

- 1 My name is Barry James Redmond, and I am a shareholder and director of the applicant company Redmond Retail Limited. I have prepared two statements in relation to these proceedings; the first statement was attached to the s85 application, and a supplementary statement dated 12 April 2019.
- 2 This statement is in rebuttal to the statements from Julie Luxton for Historic Places Mid Canterbury, and Maxine Watson.
- 3 In her statement, Ms Luxton states that:

Historic Places Mid Canterbury did not understand how Redmond Retail Limited came to have the historic Ashburton Arcade removed from the districts listing of historic heritage. When our group requested information from Ashburton District Council, it appears a mistake in procedure had been made. This may have contributed to Redmond Retail Limited thinking, incorrectly, that the former Cates Grain Store demolition application would be handled in a similar way.
- 4 The Ashburton Arcade is owned by C J Redmond. They purchased the building in 1977 and built a façade within the existing structure to create leasable retail space. This obscured any view of the internal structure of the building. The Arcade was delisted from the heritage listing of the Ashburton District plan as a result of a submission presented to the committee for the proposed District Plan Review chaired by Councillor Robin Kilworth around May 2011. As this was a formal meeting with expert witnesses, I struggle to understand why Ms Luxton states it was a "mistake in procedure".
- 5 Once the delisting on the plan became operative, we received the approval from Heritage NZ for demolition after providing assessment to that organisation by Underground Overground Archaeology Limited.
- 6 Heritage NZ had been a further submitter to our original submission. They formally supported one of our suggestions that the Arcade be classified 'B'. Boffa Miskell, the authors of the review, suggested the 'B' classification be removed and all buildings should go in a redefined 'A' category. Our submission was that if the 'B' classification was removed then the building

shouldn't go in 'A' but should be delisted completely, which was the end decision. The next process once the plan change was advised was to apply to Heritage NZ for a demolition consent and because the building was pre 1900, that had to be supported by an archaeological report which was done by Underground Overground Archaeology Limited and approved in June 2012 by Heritage NZ.

7 We are not able use the district plan review process to achieve a delisting of the Cates Building as the current plan became operative in 2014 and I understand a review is only required on a 10-yearly basis.

8 The second statement from Ms Watson is equally cynical of the process, and on her page 4 she states:

I find it difficult to accept the argument of undue hardship on the part of Redmond Retail – they knowingly bought a heritage building and, from past experience, they knew what that entailed. They obviously felt the heritage status could be as easily disposed of as it was when they managed mysteriously to have the Ashburton Arcade building withdrawn from the District Plan.

9 Since the Canterbury earthquakes I felt there was a more sensible attitude to the retention of old earthquake prone buildings. There were changing Government regulations regarding the need to bring these buildings up to a certain percentage of NBS within stated timeframes. Public safety and economics then became part of the equation.

10 The second statement she makes is:

Their assertion that they have explored every avenue for adaptive re-use is to my mind a gross exaggeration. A few private inquiries as to its potential as a restaurant, shopping precinct or store, and putting up a "For Sale" sign scarcely constitute 'extensive' exploration of possibilities.

11 I don't believe we have ever said we have explored *every* possibility of adaptive re-use of the building. However, we have done the maths and understand that even for an adaptive re-use for any business for which there is a market in Ashburton, it has to have the ability to make a profit to

be able to pay a reasonable return on the landowner's investment. This has been supported by Mr McLeod and Mr Lilley.

- 12 Mr McLeod has responded to comments about our efforts to sell the building in his statement of rebuttal evidence and I have nothing further to add to that, except to note that we will take a break from the active marketing of the property before putting it back onto the market.

Barry Redmond

5 July 2019