

BEFORE THE CHRISTCHURCH CITY COUNCIL

IN THE MATTER OF

The Resource Management
Act 1991

and

IN THE MATTER OF

an application by Simon Jay and
Josie Martin to construct and
operate an entrance building,
café and to expand the existing
sculptural gardens tourist activity
at 70 and 74 Rue Balguerie,
Akaroa (RMA /2020/2000).

DECISION OF HEARING COMMISSIONER

27 OCTOBER 2023

Introduction

1. Consent is sought to construct and operate an entrance building and café and to expand the existing sculptural gardens tourist activity at 70 Rue Balguerie, Akaroa, known as "the Giant's House". The consent was originally received by the Council on 10 September 2020.
2. I have been delegated the authority to determine the application made to the Christchurch City Council. I confirm here that I am a Certified Hearings Commissioner, with over 25 years of experience in the resource management field, and that I have completed the RMA: Making Good Decisions programme, being Chair certified. I have conducted numerous hearings on resource consent applications and plan changes for a range of South Island councils. The resource management issues involved in these hearings have been diverse and many are of relevance to this hearing.
3. The Council's section 95-95G notification assessment determined that the application should be publicly notified, and public notification took place on 20 June 2022. The submission period closed 19 July 2022. A total of 248 submissions were received. Of the submissions, 32 were in opposition to the proposal, and 215 supported it. One submission was neutral.

Procedural Issues

4. Two late submissions were received from Dr Marie Connolly and Anna Freed. Ms Cottam recommended these be accepted, and the Applicant did not object. I therefore agree to accept the submissions pursuant to section 37 of the Act.
5. I advise here that I have determined that the consent should be granted subject to conditions imposed under Section 108 of the Act. The reasons for my decision are set out in the remainder of this document. The conditions are appended to this decision.

The Proposal

6. The facts of the application and the relevant provisions of the District Plan are set out in the Application, the section 95/104 reports, the legal submissions, and the evidence presented at the hearing.
7. In summary, the key aspects of the proposal, as summarised in the section 42A report, are:

Entrance building/road reserve

- Located at the northern end of 74 Rue Balguerie, where it has a road boundary with Rue Balguerie. The building would be setback five metres from the road boundary.
- Proposed area of 124m² and designed to feature an oval "egg" shape with spiral roof.
- Will contain ticketing, bathroom facilities, lobby and storage, with a 5m² area designated for the purchase of souvenirs and gifts.
- A driveway is proposed adjacent to the building for deliveries.
- A footpath is proposed to be constructed along Rue Balguerie to meet the existing footpath and provide a pedestrian route to the site. This includes a designated bus parking area outside of the application site.

Café

- located towards the southern boundary of 74 Rue Balguerie near to where it adjoins 70 Rue Balguerie, replacing an existing café currently operated out of 'The Giant's House' (Linton House).
- A detached lift will provide additional access to the café from ground level.
- The café would be an integral part of the garden experience and only available to those who pay the entry fee to 'The Giant's House'.
- The café would be open 10:00am to 5:00pm daily (the same as 'The Giant's House').
- The café would be 112m² in area and with an approximate 24m² deck landing orientated to northeast and a ramp linking to the existing landing providing wider access to the site.
- The café would comprise of servicing area, kitchen and food preparation area, pantry, indoor seating, and bathroom facilities on the first floor. The ground floor would contain a storage and display area, staff offices and amenities.
- 'The café will employ up to three full time equivalent staff during peak seasonal months.

Expansion of 'The Giants House'/sculptural gardens

- Additional accessibility for all users between 74 and 70 Rue Balguerie with an informal pathway following site contours.
- 'The Giants House' and sculptural gardens would cover both 70 and 74 Rue Balguerie.
- The existing signage will be relocated to 74 Rue Balguerie.
- 'The Giant's House' and garden would be open to visitors 10:00am to 5:00pm daily, and would provide for up to 120 visitors on site per hour.
- 'The Giant's House' and sculptural garden will employ up to four full time equivalent staff during the peak seasonal months (including reception staff and gardeners/ handyman). The Giants House' currently employs two full time gardeners and one staff member at the entrance, (two at the weekend/when cruise ships are in the harbour) and the owner is on site to assist when required.
- Voluntary conditions in terms of coaches and PA systems are proposed.
- 74 Rue Balguerie has an existing access point located adjacent the western boundary. This vehicle crossing will be closed off once a new crossing is constructed adjacent to the eastern boundary.
- A booking system is proposed to be established restricting bookings to no more than one scheduled bus arrival at any given time, with a 30 minute no booking buffer either side of bus bookings. Scheduled buses shall not idle for more than 5 minutes after arrival or 5 minutes before departure.
- There shall be no provision for playing music, live or otherwise or amplification of any outdoor sound such as the use of a PA system on the site at 74 Rue Balguerie.

Associated works

- Earthworks are proposed for the platform base of the stair/backfilling, the driveway and the paths.

- Any filling and excavation shall be subject to an erosion and sediment control plan in accordance with Environment Canterbury's Toolbox.
- An Accidental Discovery Protocol will be followed as part of this application.

8. There is no dispute that the application is overall a discretionary activity, as addressed in paragraphs 18 – 26 of the section 42A report.

Site Visit, Hearing and Appearances

9. I visited the site on 29 June 2023, prior to the hearing.

10. The Hearing was conducted in Christchurch on 3 and 4 July 2023. The following people attended the hearing:

The Applicant: Mr Gerard Cleary (Counsel)
 Ms Josie Martin (Applicant)
 Mr John Farren (Noise)
 Mr Robert Smith (Transport)
 Mr David Compton Moen (Landscape / Urban Design)
 Ms Damienne Donaldson (Planning)

Council Staff: Ms Rachel Cottam (Planner)
 Mr Downard-Wilke (Transport)
 Ms Isobel Stout (Noise)
 Mr William Field (Landscape / Urban Design) (Heritage Advisor)

Submitters: Victoria Andrews
 Mr Marsh
 Mr Michael de Hamel
 Mr K Morrissey
 Mr & Mrs Simpson
 Ms Kath Harris
 Ms Anna Freed
 Ms Stacy Smith
 Nicki & Ben Johnston
 Ms Jan Cook
 Mr Birch
 Mr Harry Stronach
 Ms Guillenot
 Mr Paul Crump
 Ms Geldof

11. The section 42A report was precirculated, as was the Applicant's evidence. Mr Cleary presented legal submissions at the commencement of the hearing. The section 42A report and the evidence was pre read, with the applicant's experts presenting short summaries prior to taking questions. Some of the submitters wishing to speak read from written statements, and others offered verbal comments.

12. On 4 July 2023 the hearing was adjourned to allow the Applicant time to prepare additional information in relation to the landscaping and proposed treatment of 74 Rue Balguerrie. The Applicant's closing and additional information, including a revised set of conditions and

updated landscape plan from Mr Compton-Moen was provided on 22 September 2023, and the hearing formally closed on 25 September 2023 once I had reviewed the information provided.

13. Copies of the statements of evidence and submissions presented at the hearing are held on file by the CCC. I do not separately summarise the matters covered here but refer to or quote from that material as appropriate in the remainder of this decision.

Reasons for the Decision

14. The Act requires that I set down the reasons for my decision, and that I record the principal issues in contention and the main findings of fact. These matters clearly form part of any assessment of a proposal and consequently inform the outcome. They cannot be dealt with separately from the reasons for arriving at a particular outcome and are accordingly dealt with in that way in this decision.
15. The matters addressed in the submissions and the evidence presented at the hearing covered the following broad matters:
 - Residential character and amenity
 - Nuisance effects
 - Scale of activity
 - Noise effects
 - Traffic effects
 - Construction effects
 - Effects on heritage values
 - Cultural effects
 - Ecology Effects
 - Effect on Services
 - Positive effects
16. These matters must be considered in the context of Section 104 of the Act which sets out what must be considered when deciding a resource consent application. Section 104B provides that once those matters have been considered, I can grant or refuse an application for a discretionary activity. If the application is granted, conditions may be imposed under Section 108 of the Act. The matters contained in Section 104 have all been considered in arriving at this decision. In this context, I note that all parties agreed with the discretionary activity status.
17. Of these effects, I note that Ms Cottam considered effects in relation to the following matters to be minor or acceptable:
 - Nuisance effects
 - Transport effects
 - Construction effects
 - Cultural effects
 - Heritage effects
 - Ecology Effects

- Servicing.

18. None of the applicant's experts raised concerns with these potential effects either and I therefore accept Ms Cottam's conclusions relation to these matters, and do not address them in further detail in this decision. The exception to this is in relation to transportation matters, where there was some discussion, particularly around the provision of bus parking and traffic movements, particularly by submitters. I will provide some additional consideration of this matter in this decision.
19. This decision therefore focuses on the principal matters in contention at the hearing, being those related to traffic impacts, impacts on amenity and the scale of the activity (including visitor numbers). None of the submitters called any expert evidence.

Consideration of Effects

20. Fundamentally, consent is sought to expand the existing sculptural garden associated with the Giant's House. The change will be facilitated by adding an adjacent property to be developed as the garden, along with an entranceway building designed to better manage the entrance and flow of visitors into the site, and the construction of a café building to service patrons. Provision is also to be made for a bus park on Rue Balguerie.
21. The Section 42A report, circulated prior to the hearing, recommended that consent be refused, noting in particular (at para 108) that

In summary, the application provides a wide range of positive effects to the locality, economy and tourism however in my opinion the application has significant adverse effects which are unacceptable'. This is primarily due to the adverse effects in terms of residential amenity and character, nuisance, scale of activity and combined effects (including some effects from transport). In my perspective the adverse effects outweigh the positive effects. I consider that the activity is creating a full scale commercial operation in a residential area which is not anticipated by the Residential Banks Peninsula Zone.
22. In reaching this initial view Ms Cottam noted that the applicant had volunteered to restrict visitor numbers to 120 visitors on site per hour, which in her view, when combined with the noise, residential amenity and transport effects, suggested that the application resembled a commercial operation. The scale of activity proposed, in her opinion, exceeded a scale far greater than the original proposal or what is anticipated in the zone, leading to an initial recommendation that consent be refused.
23. Ms Cottam's report subsequently stated that there was potential for her recommendation to change if the application were modified in terms of patron numbers and landscape mitigation.
24. This indication led the Applicant to offer changes to the application, including by reducing the hourly maximum number of visitors to 80, and by preparing an amended landscaping plan that was submitted as part of the closing arguments. The Applicant also confirmed that an earlier consent associated with the Giant's House would be surrendered should the current consent be granted, as all activities would fall under the conditions of this application.

25. While the broad range of actual and potential effects were traversed in detail in the Council's section 42A report, the report was completed prior to the changes volunteered by the Applicant. The principal issues that were focused on at the hearing, particularly by the submitters, largely related to traffic impacts, impacts on amenity and the scale of the activity (including visitor numbers). None of the submitters called any expert evidence.
26. I have considered the effects identified above, noting that the assessment relates to the application as amended by the applicant and as covered in detail in the evidence provide at the hearing.

Residential character and amenity (Urban Design)

27. The principal issues in relation to urban design and character/amenity effects related to the form of the proposed café and entrance building and the impacts these would have on the street and on the residential amenity of the surrounding neighbourhood.
28. The redevelopment and expansion of existing commercial activities is provided for in the District Plan, provided that they do not have significant adverse effects on the character and amenity of residential zones. The assessment of effects, as submitted by Mr Cleary in his closing submissions, should be to consider whether a proposal detracts from amenity in a manner that is significantly adverse or incongruent with character and amenity.
29. The urban design experts, Mr Compton-Moen for the Applicant and Mr Field for the Council, initially disagreed on the effects on residential character and amenity. These issues were identified in the section 42A report, where Ms Cottam noted the following:

Mr Field concludes that:

- *The proposal will appear commercial in nature from neighbouring properties/street scene and departs from the expected residential character of the locality. The combination of the café building height exceedance, proposed pathways, the combined design of all buildings and structures (including the Linton House, consented staircase, sculptures), the lack of landscaping information, potential signage, and the proposed works on the street create this commercial appearance. Visual attention would be drawn to the site due to the visitor activity and vivid character of these elements. These aspects create a combined adverse effect on residential amenity and character.*
- *The 'indicative screening vegetation plan' does not cover a number of matters as outlined in Mr Fields assessment (paragraph 63). This includes landscaping detailing, signage, façade detailing and colouring and fencing. It is considered the vegetation proposed would not visually mitigate the commercial nature of the site.*
- *It is unclear where signage is proposed within the new entrance area on the application site. The existing signage is brightly coloured and if combined with other future signage visible to the street, it will add to the commercial appearance of the proposal.*

- *There are concerns about the usability of the future internal access. The intent is to improve the quality of access within the activity however no information has been given how it will be achieved and will assist for people who are mobility impaired.*
- *In terms of proposed upgrades along Rue Balguerie, the proposed footpath will improve pedestrian access however it may affect parking for residential properties, may not be well utilised and may impact on traffic safety or infrastructure located on the road. Ultimately a holistic approach should be taken to assess the traffic use of the road to determine how the road should be changed by multiple organisations.*
- *Overall, the activity will be considered inconsistent with the valley's residential and rural character. The effects are in relation to street scene, visual dominance, and overall residential amenity.*

Mr Compton-Moen concludes that:

- *The proposal is supported from an urban design perspective.*
- *The buildings have been designed to be in keeping with surrounding neighbouring properties, topography and street scene.*
- *The buildings will have active frontages to the street, natural surveillance and engaging visual points of interest.*
- *The extension will improve the amenity and function of the gardens and is unlikely to have any significant impacts.*

30. Many of the issues of concern to Mr Field were addressed in the proposed amendments to the proposal, and in the amended landscaping plan provided as part of the Applicant's closing. I note in particular that the landscaping proposed for the additional site as shown in the Landscape Mitigation Plan will allow the site to exhibit characteristics similar to other properties in the vicinity as the plantings mature. Many of the surrounding properties are either landscaped or have significant areas of mature vegetation and the landscaping now proposed will allow the site to exhibit a similar character.
31. I have considered the concerns particularly around the scale of the activity and the potential for the collective commercial appearance of the site when viewed from the street and direct locality. In this regard I note that the entrance building is of scale similar to neighbouring properties, and that the proposed café building is also of a similar scale as residential activities in the surrounding area.
32. The section 42A report noted that although permitted residential buildings of a similar scale can be established with varied glazing, façade detailing, rooflines, colouring, other structures (retaining walls, decorations etc.) and overall design, the appearance of the proposal does not appear residential, and the movements of people add to the commercial appearance and perception of the activity.
33. In relation to the issue of the proposed buildings not appearing residential, I note that the submissions of Mr Cleary noted that the District Plan does not require buildings to look like a house, and neither does it require that built form in this part of Akaroa mimic the colonial form of other parts of the settlement. To this end, I note that Ms Cottam agreed that the

entrance and café buildings are visually interesting and that the entrance building is of scale similar to neighbouring properties. I therefore do not consider the fact that the buildings do not look like residential dwellings is an adverse effect in and of itself. The focus of the District Plan is whether the expansion of existing activities will give rise to significant adverse effects.

34. Ms Donaldson noted in this regard that apart from the height of the café building and a minor recession plane breach to the southern boundary, both proposed buildings comply with the bulk and location requirements for the zone. In addition, the café building is further set back from adjoining boundaries to provide additional separation of built form from the neighbouring properties. Mr Compton-Moen further noted that there is no uniformity of character in the immediate receiving environment.
35. Having considered the urban design evidence, overall I prefer the evidence of Mr Compton-Moen. I agree that the design and scale of the proposed buildings will not give rise to adverse effects on the character or amenity of the surrounding zone.
36. In reaching this view, I note that for the most part, Mr Field's concerns have been addressed by the changes to the landscaping, which provide for greater protection of the privacy of adjoining residents, and greater clarity around what is anticipated on the site.
37. In this regard I also note that the Giant's House is an existing activity, characterised by groups of people visiting, and traffic in the street. There is some uncertainty as to the scale of activity anticipated in the previous consents, however, I agree that the measures proposed in terms of visitor numbers provide certainty to both applicant and the community as to the scale of activity that is permitted on the site.

Neighbour Amenity

38. Ms Cottam advised that she considered the effects of the recession plane and setback intrusions to be less than minor as they only marginally intrude on the corner boundary of 80 Rue Balguerie and that these persons are located at a higher elevation. I accept this view.
39. The principal concerns regarding neighbour amenity relate to privacy and overlooking. The section 42A report noted that it is not necessarily the buildings which create this adverse effect, rather the congregation areas and use of the gardens as a result of the buildings and expansion of the activity.
40. The issues of patrons congregating on site has largely been addressed in the consideration of the noise effects. The expansion of the garden area that people can move around provides greater opportunity for people to disperse around the site. I accept that the key issue in relation to privacy and potential overlooking effect is that the volume of patrons as a result of the activity are significantly larger than any anticipated resident numbers.
41. I consider that this concern is mitigated by the capping of visitor numbers to a maximum of 80 per hour. Both noise experts agreed this would result in noise being less than the District Plan limits, thereby mitigating noise effects from people on the site. The larger area, and the cap on maximum numbers, means that people will be more dispersed around the site. I also note that while the 80 is a maximum, the evidence of the Applicant was that for much of the year, visitor numbers do not reach this level.

42. The landscape mitigation plan proposed by the applicant now includes a greater level of planting along the boundaries with adjoining residential properties, which will allow the privacy of neighbouring properties to be protected, particularly as in many cases the trees will reach a height of at least 2 metres. As noted by Mr Compton-Moen, the location of proposed large sculptures has also been added to the Landscape Mitigation Plan. All of these will be located over 3m from any boundary given the existing and proposed planting. I therefore agree with Mr Compton Moen that given the nature of the site, a 2m height limit for sculptures is not necessary to avoid any adverse effects, particularly as the majority of planting will exceed 2m blocking any external views into the gardens.
43. I also consider the daytime hours of the proposal (i.e. between 10 AM and 5 PM) to be another factor that protects the privacy and amenity of neighbours. Activity on the site is restricted to these hours, and the absence of activity at night will retain the privacy and amenity of the surrounding area.
44. For the above reasons, and having considered the amended landscape plan, and the evidence of Mr Compton-Moen, I consider that effects relating to privacy and overlooking will not be significant and can be appropriately addressed by the landscape mitigation plan and the conditions of consent.

Noise and disturbance

45. Noise sources from the activity relate primarily to noise from people congregating and moving around the site, from vehicles in the street, and from music playing on the site.
46. Mr Farren addressed the potential noise effects arising from the amended proposal. He explained that current noise emissions from the site comply with the district Plan permitted limit for the zone. He had measured noise on the site on a busy day, and the noise from patrons circulating in the outdoor areas (which included a coach party of 26) was well below the District Plan limit. He considered that an increase of patrons to a maximum of 80 per hour would still result in noise being less than the permitted maximum of 50dB_LA_{eq}. Ms Stout for the Council agreed with this, and both agreed that expanding the sculptural garden would increase the area that patrons could circulate in, which would further assist in reducing noise across the site.
47. Both noise experts were in agreement relating to the potential effects of noise from a maximum of 80 people per hour on the site would not be significant and would be within the noise limits prescribed in the District Plan. In this regard I note that the evidence from the Applicant also noted that on most days, this maximum number would not be reached and that historically numbers often did not reach this level.
48. No other party provided noise evidence. I have considered the views of both Mr Farren and Ms Stout and accept their conclusions, and therefore agree that noise effects arising from patrons on the site will not be significant.
49. Mr Farren also noted that noise from vehicles on roads was exempt from District Plan noise limits. Nonetheless, he had assessed noise from the projected number of vehicles (cars and

buses) and reached the view that both of these potential noise sources would not affect residential amenity. He agreed, however, that the offered condition around a coach booking system that would limit coach numbers and engine idling times was appropriate.

50. Mr Farren also confirmed that the noise emissions from the proposed café would comply with the noise limits in the District Plan. Ms Stout did not disagree. I note that the cafe is a small-scale activity provided only for patrons of the site, and is located centrally to the site, some distance from property boundaries. Users of the café will not be circulating around the site, further reducing the opportunities for noise from people creating a nuisance. I accept Mr Farren's evidence in this regard.
51. The final matter relating noise that both Mr Farren and Ms Stout agreed upon was the amplified noise from speakers on the site. This matter attracted some attention in submissions, with some property owners noting that the noise was clearly audible beyond the boundary of the applicant's site. Both Mr Farren and Ms Stout agreed that this was not appropriate, and both supported a condition requiring that any music is inaudible beyond the boundary of the site.
52. Overall, I accept the evidence of the noise experts that noise effects arising from the proposal will not be significant, and I consider that the conditions agreed by the Applicant, which have also been worked through by the planning experts, will appropriately manage the potential for noise nuisance.

Traffic Effects

53. I note that both the Council and Applicant's traffic experts were agreed on the extent of the actual and potential traffic effects of the proposal. The issue of bus movements in particular were raised by submitters, who were concerned that unfettered bus access would create safety and congestion issues on Rue Balguerie. Their experience with buses associated with cruise ships visiting Akaroa post-earthquake but pre-Covid were cited, with examples given of effects arising from the number of buses visiting the site.
54. In response, the Applicant has proposed to create a dedicated bus park, along with a bus booking system, upgrades to the road, cycle parking, and reduced bus idling times, in tandem with the cap on a maximum of 8 patrons per hour.
55. Both Mr Dave Smith, Traffic expert for the Applicant, and Mr Downard-Wilke for the Council, agreed that the traffic effects of the proposal would be minor, for reasons including the following:
 - There is sufficient room for buses to manoeuvre via a 3-point turn into Rue Cachalot and then reversing upwards to the site. The low volumes of traffic on the road further address potential safety issues.
 - The applicant has proposed a footpath extension along Rue Balguerie to address transport and safety effects while minimising conflict with the bus manoeuvring. This is to resolve adverse safety effects identified and acknowledge that most patrons access the activity on foot. This has been accepted by Mr Downard-Wilke.

- A maximum of 80 patrons at any given time, a bus booking system, upgrades to the road, provision of cycle parking, and reduced bus idling time altogether result in traffic effects that can be managed by way of conditions.

56. Both Mr Smith and Mr Downard-Wilke agreed that the proposal can be supported from a traffic and transport perspective. The conditions of consent that were offered at the hearing, and refined following the conclusion of the hearing, will be appropriate to manage any potential effects.
57. Having considered the traffic evidence, I note that both planning witnesses were satisfied that the actual and potential traffic effects arising from the proposal were minor and acceptable and would be managed appropriately by conditions of consent. I note that no expert transport evidence to the contrary was provided. Overall, I am satisfied that the traffic and transport effects will be minor, and that the conditions of consent that have been developed are appropriate to manage any ongoing matters.

Positive Effects

58. The applicant considers that the proposal will provide an improved experienced to customers with a greater level of accessibility, and will also continue to be a significant tourist attraction in Akaroa and provide economic benefits including employment opportunities onsite and in the surrounding environment. The applicant considers that the proposal also contributes culturally and socially to the local community. I agree with Ms Cottam that there is a consensus within the submitters that the proposal achieves the above factors. There is no dispute that the activity has brought a lot of enjoyment to all users of the site.
59. I also note that the proposal provides additional revenue sources to ensure the existing heritage building, Linden House, is maintained or protected. As Ms Martin noted, operational and maintenance costs of a heritage building are considerable, and in the absence of public funding it is important that building owners be enabled to identify additional income sources to maintain the building.
60. Ms Cottam identified that the majority of the submitters supporting the application consider the proposal to be a great tourist experience that should be enhanced and retained in perpetuity, with many also considering the proposed café to be convenient for groups of all ages. It is noted the applicant has been awarded the Fellowship Award for Royal New Zealand Institute of Horticulture (RNZIH) due to the contributions she has made at the application site. The company has grown from a small-scale activity to a larger scale commercial activity due to popularity of the applicant's art in horticulture and sculptures. The benefit of the Giant's House to the community is accepted.
61. Having considered the evidence, I agree the proposal will give rise to range of positive effects, which are primarily in terms of protecting heritage, tourism and economic benefits. It also provides a range of interesting additions to an engaging and artistic tourist attraction.
62. The potential adverse transport effects of this activity have also been addressed, with the inclusion of a footpath which connects from the existing footpath prior to Rue Cachalot to

opposite the application site. Ms Cottam noted that while some areas deviate from the traditional footpath it will provide a safe route for pedestrians to access the site, and I agree that this is a positive effect.

Summary of Effects

63. Overall, having considered the totality of the evidence provided, and noting there was alignment between much the expert evidence of the Applicant and the Council, I conclude that overall, the effects associated with the proposal are acceptable and can be appropriately mitigated by the conditions of consent that have been offered.

Objectives and Policies

64. I have considered the relevant Objectives and Policies of the Christchurch District Plan, which were covered in detail in the evidence provided by Ms Cottam and Ms Donaldson.
65. The section 42A report adopted the Applicant's assessment in relation to Chapter 8 (Earthworks) and Chapter 9 (Natural and Cultural Heritage). None of the changes made to the application affect these assessments and I therefore accept the planning expert's evidence that the proposal is consistent with the relevant provisions of these chapters.

Transport

66. I accept the planning evidence that the proposal is generally consistent with the transport objectives and policies. These seek an integrated transport system for Christchurch District, that it is safe and efficient for all transport modes, responsive to current and future needs and enables economic development, supports safe, healthy and liveable communities by maximising integration with land use, reduces dependency on private motor vehicles and promotes public and active transport use, managed using the one network approach (objective 7.2.1.1).
67. Overall, I consider the proposal is consistent with the relevant transport related objectives and policies for the following reasons:
- Policy 7.2.1.4 - mobility parking is proposed on the street to provide direct and accessible access to the activity. The efficiency and safety of the transport network will be improved by the proposal.
 - Public and active transport is promoted by ensuring the site provides an adequate amount of safe, secure and convenient cycle parking, the dedicated bus stop and booking system and the proposed footpath and accessible entry (policy 7.2.1.6). The matter of the accessibility within the site is not relevant to the roading network assessment.
 - The changes to the transport infrastructure will generate a positive effect of greater connectivity in the locality by continuing the existing footpath along Rue Balguerrie. The traffic arrangements proposed by the application will not give rise to reverse sensitivity effects that would undermine the transport activities in the transport/residential zone (Objective 7.2.2 and Policies 7.2.1.8, 7.2.2.1, 7.2.2.2 and 7.2.2.3).

Noise

68. The section 42A report noted that objectives and policies 6.1.2.1, 6.1.2.1.1 and 6.1.2.1.4 are relevant to this application, and seek to:
- Enable land use activities to contribute Christchurch's economic, social and cultural wellbeing by managing noise effects on amenity values, health of people and communities which are consistent with the anticipated outcomes of the receiving environment (residential environment).
 - Manage noise effects by limiting sound levels, location and duration of activities and sound insulation for sensitive activities.
69. Ms Cottam noted that reducing the number of patrons to 80 at any given time, and adopting the changes around a booking system and requiring that no music be audible beyond the boundary of the site would render the proposal consistent with these provisions. The changes were made and now form part of the application. On this basis, I note that Ms Cottam and Ms Doanldson are agreed that the proposal is consistent with the provisions, and I therefore agree that the proposal is consistent with the relevant provisions in Chanter 6 of the District Plan relating to noise.

Residential

70. Ms Cottam identified that while most of the Objectives and Policies in Chapter 14 relate to residential activity, a number of provisions relate to the proposed activity. These are:

Policy 14.2.4.1- Neighbourhood character, amenity and safety

- a. *Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.2.1.1a), through design:*
- i. *reflecting the context, character, and scale of building anticipated in the neighbourhood;*
 - ii. *contributing to a high quality street scene;*
 - iii. *providing a high level of on-site amenity;*
 - iv. *minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;*
 - v. *providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and*
 - vi. *incorporating principles of crime prevention through environmental design.*

Objective 14.2.6 - Non-residential activities

- a. *Residential activities remain the dominant activity in residential zones, whilst also recognising the need to:*
- i. *provide for community facilities and home occupations which by their nature and character typically need to be located in residential zones;*
 - ii. *restrict other non-residential activities, unless the activity has a strategic or operational need to locate within a residential zone or is existing guest accommodation on defined sites.*

Policy 14.2.6.3 - Existing non-residential activities

- a. *Enable existing non-residential activities to continue and support their redevelopment and expansion provided they do not:*

- i. have a significant adverse effect on the character and amenity of residential zones; or*
- ii. undermine the potential for residential development consistent with the zone descriptions in Table 14.2.1.1a*

71. In terms of Objective 14.2.6, I agree with Ms Cottam and the applicant's evidence that there is both a strategic need and operative need to provide for the proposal due to the fixed location of Linton House and associated established gardens and its heritage status and setting. Given that these needs exist, Objective 14.2.6 does not require that the non-residential activity on the site be restricted, and the key policy under which to assess the proposal is Policy 14.2.6.3, as this is the Policy that directly relates to supporting the redevelopment and expansion of non-residential activities.
72. It is important to note that residential activity occurs on the site. Linden House is Ms Martin's residence. The non-residential activity relates to the commercial activity on the site, being primarily the access to the sculpture gardens on the site. In that sense I consider that the proposal does not undermine the potential for residential development on the site. Or the surrounding area. I agree with Ms Cottam that the surrounding sites are largely developed. Similarly, using the majority of the site for landscaping and sculptures does not preclude them from being developed for residential or other activities in the future. The proposal is therefore consistent with Policy 14.2.6.3(ii).
73. Having considered the totality of evidence I consider that the proposal is also consistent with Policy 14.2.4.1 for reasons including the following:
- The proposed buildings are consistent with the scale of buildings anticipated in the neighbourhood, noting Mr Cleary's submission that the Plan does not require buildings in this zone to appear as dwellings. Reductions on the numbers of patrons will reduce the apparent commercial scale of the proposal (Policy 14.2.4.1.a.i);
 - The proposed entrance building will contribute to the street scene, bringing a high-quality design to a street with a more eclectic character (Policy 14.2.4.1.a.ii);
 - The proposed landscaping will contribute to a high level of on-site amenity (Policy 14.2.4.1.a.iii);
 - Noise effects are considered to be acceptable (Policy 14.2.4.1.a.iv);
 - Transport and traffic related effect have been determined by the traffic experts to be acceptable (Policy 14.2.4.1.a.v); and
 - CPTED principles have been considered in the design of the entrance building (Policy 14.2.4.1.a.vi).
74. Overall, I agree with the Applicant's experts that the changes that been made to the proposal result in a development that is consistent with the relevant Objectives and Policies of the District Plan. In reaching this view I also note that Ms Cottam's section 42A report considered that there was the potential for most of the adverse effects to be resolved through changes to the proposal. Should those changes be made, then her view as expressed in the section 42A report was that the proposal would largely be acceptable.

75. Changes were made by the Applicant in response to the matters raised in the section 42A report, as discussed in this decision. Having regard to the Applicant's evidence, and the additional comments made by the Council experts at the hearing, I consider that the matters of concern have largely been addressed such that I consider the proposal to be consistent with the relevant District Plan provisions.

Other Relevant Statutory Documents

76. I must also have regard to the NPS Urban Development which came into effect on 20 August 2020. At a high level I note that the NPS Urban Development seeks to enable urban development to provide sufficient housing and business land. I accept Ms Cottam's advice that this is not relevant to the application site as the Akaroa settlement does not fall within the urban environment definition due to the population numbers.

Other Matters

Precedent

77. The section 42A report considered the matter of precedent, noting that the site is unique within the context of the District Plan. I agree that the site is unique, given the mix of activities on the site being the historic Linton House and the established sculpture gardens. A similar activity is unlikely to happen elsewhere due to the combined location and heritage status of the building and nature of the activity undertaken on the site, and I consider it highly unlikely that any proposal could claim the exact same circumstances as the present application. I therefore agree with Ms Cottam that it is unlikely that the proposal will create a precedent.
78. The planner's report also considered the matter of plan integrity to be an issue such that a grant of consent could create an expectation that the threshold of 'significant' is higher than anticipated and could therefore undermine public confidence in the administration of the District Plan, noting that many submissions emphasised the loss of residential character and amenity. In this case, I do not consider that a grant of consent would undermine the integrity of the plan or the public's confidence in its administration, noting that there also many submissions supporting the proposal. The proposal is a discretionary activity and has been amended to address concerns initially raised by Ms Cottam. Having considered the evidence provided I have reached the view that the adverse effects of the amended proposal are not significant and can be managed through the conditions of consent. I do not consider this to give rise to any Plan integrity issues.

Part 2 of the Act

79. The Christchurch District Plan has recently been reviewed. Its provisions were prepared under the higher order planning documents and, through its preparation and the process of becoming operative, has been assessed against the matters contained within Part 2.
80. I agree with Ms Cottam that the District Plan is the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. The District Plan was competently prepared through an independent hearing and decision-making process in a

manner that appropriately reflects the provisions of Part 2. Accordingly, I am satisfied that no further assessment against Part 2 is considered necessary.

Conditions

81. An amended set of conditions was provided with the Applicant's closing statements and had been worked through with the Council experts. Only two matters remained outstanding, being the timing of the provision of the cycle parks, and the timing of the road works to construct the new footpath and install a mobility park.
82. The Applicant's view is that there is not an immediate need for the mobility park or footpath upgrade, as the evidence and submissions highlighted that a principal concern was the potential for conflict between buses and pedestrians. Conditions 11 -14 require immediate implementation and address the issues relating to bus movement and safety, among other matters.
83. Given that the proposed café is replacing the existing offering on the site and will not attract new or additional patrons to the site, I do not consider it necessary that the footpath upgrade or mobility park be implemented immediately, noting also that they may be subject to delay given they also require Community Board approval.
84. I therefore accept the Applicant's view that Conditions 9 – 11, which address the footpath upgrade and mobility park, be required to be implemented as soon as practicable following the receipt of Community Board approval, but prior to the opening of the entrance building. Given the potential for there to be damage to the footpath during the construction of the entrance building, it seems logical to require the footpath to be installed prior to the opening of the entrance building, as once work has ceased, there is considerably less risk of rework or damage having to be repaired.
85. The issue of timing was also relevant in relation to the installation of the proposed cycle parks. The Council would prefer that they are provided prior to the opening of either building, whereas the Applicant's view was that they should be provided prior to the opening of the entrance building. The Landscape management Plan identifies that the proposed cycle parking spaces are to be provided close to the entrance building. Requiring them to be provided prior to the opening of the building would likely require their removal or placement as they would conflict with the earthworks and construction activities. I agree with the Applicant that it is appropriate to require the cycle spaces to be provided prior to the opening of the entrance building. I note that should the Applicant elect in the future to not construct the entrance building, then this would likely require a variation to the conditions of consent to amend actions tied to the construction or opening of that building. This should provide some additional certainty to the Council that the parks will be provided at the appropriate time. and require removal and preplacement.
86. No other conditions were subject to disagreement between the Council and the Applicant, and overall, I consider that the conditions are appropriate to manage the effects of the proposed works.

Decision

87. Having considered the application Simon Jay and Josie Martin to extend the Giant's House at 70 & 74 Rue Balguerie, Akaroa, consent to the application is granted pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, subject to the conditions appended to this decision.



Andrew Henderson
Independent Commissioner
27 October 2023

APPENDIX 1 – CONDITIONS OF CONSENT FOR RMA 2020/2000

RMA/2020/2000 SURRENDER OF LAND USE CONSENT [RMA/2000/103](#) (RES95101059)

(A) Land use consent RMA/200/103 is to be surrendered within 5 working days of the commencement of this consent.

Note: The Bed and Breakfast and Art Workshop activities no longer occur on the site. The entirety of the commercial activity is consented under RMA/2020/2000

LAND USE CONSENT

(B) That the application **be granted** pursuant to Sections 104, 104B, 108 and 108AA of the Resource Management Act 1991, subject to the following conditions:

1. The development shall proceed in accordance with the information and plans submitted with the application. The approved plan and documents are recorded under RMA/2020/2000 (17 Pages).

Activity and Scale

2. The maximum numbers of patrons shall not exceed 80 onsite at any time. Within 6 months of the commencement of this consent, the consent holder shall establish a booking and monitoring system to ensure compliance with this maximum limit.
3. The consent holder is responsible for recording the number of patrons on any day and shall make the information available on Council's request. Records should be kept of up to a minimum of 6 months.

Cultural and Historic Heritage

4. Prior to any new construction work that is subject to this consent taking place on the site, the consent holder shall provide to Council written evidence demonstrating Archaeological Authority has been obtained or a letter from Heritage New Zealand that an Authority is not required.
5. Should any archaeological material or sites be discovered during the course of work on the site, work in that area of the site shall stop immediately and the appropriate agencies, including Heritage New Zealand Pouhere Taonga and Mana Whenua, shall be contacted immediately, in accordance with the Accidental Discovery Protocol set out in Appendix 3 of the Mahaanui Iwi Management Plan: <http://www.mkt.co.nz/wp-content/uploads/2016/05/Mahaanui-IMP-web-Part32.pdf>

Advice note: The applicant is encouraged to integrate locally sourced indigenous species into planting plans.

Traffic (Construction)

6. The proposed footpath extension and associated structures on Rue Balguerie shall be in general accordance with the concept plans titled [Rue Balguerie Footpath Sketch dated 23.10.23](#) (Page 17 of approved plans).
7. The consent holder shall submit the following documents for acceptance prior to commencing works/construction on site:
 - a. A Traffic Safety Audit Report undertaken by a suitable qualified and experienced independent traffic engineer;
 - b. Engineering Design Plans and documentation for the required works in legal road.
 - c. The reports and plans shall be submitted for formal acceptance Christchurch City Council's Subdivision Engineer (via email to rcmon@ccc.govt.nz). Plans shall be submitted to the Council's Asset Protection team as well as the Subdivision Engineer.
 - d. All plans and reports shall be undertaken in accordance with the Christchurch City Council Construction Standard Specifications and Infrastructure Design Standards.

Advice note:

The following design elements may be required to be assessed subject to findings in the engineering design safety audit report:

- *Broken yellow lines need to continue east of the proposed bus stop and may extend beyond the application's site.*
- *Details of the bus stop's design including sealing, signage, crossing point and connection to step/ramp of the activity.*
- *The transition between delineated areas and the introduction of wheel stops with nearby vehicle crossings.*
- *How the proposed pedestrian crossing treatment interacts with existing vehicle crossings.*
- *How run off is controlled. This may require some form of swale treatment.*
- *The material of the wheel stops shall be long lasting (SD 626) and cats' eyes on the wheel stops may be required.*
- *A 1.5m wide footpath is recommended where possible. If unable to be achieved the minimum width is recommended 1.2m.*
- *Visual Splay for the vehicle crossing at 83 Rue Balguerie.*
- *The works to remove the tree stump adjacent to 67 Rue Balguerie.*

Any works identified in the road may require community board approval. This consent does not provide approval for this process.

The Applicant will be required to submit a corridor access request to council before work commences in the road. New or extensions to vehicle crossings require application to Council prior to construction <https://ccc.govt.nz/transport/legal-road/vehicle-crossing>.

8. Yellow Stopping Lines shall be installed along Rue Cachalot and Rue Balguerie to enable safe manoeuvring to the satisfaction of the Council's Traffic Engineer.

Note: Details of this design will be submitted as part of the engineering design plans.

9. A mobility park shall be present directly adjacent to the application site as agreed by Council's Traffic Engineer.

Note: Details of this design will be submitted as part of the engineering design plans.

10. The Consent Holder shall ensure that the works required by Conditions 6-9 shall be completed as soon as practicable after receipt of Community Board approval, and in any event no later than prior to the opening of the entrance building to the public. The works shall be completed in accordance with the Community Board's approval and to the satisfaction of the Council's Subdivision Engineer.

Traffic Operational

10. Bus manoeuvring shall occur as follows: buses are to reposition themselves in the road corridor and then reverse back up Rue Cachalot before driving westbound along Rue Balguerie back towards the town centre.
11. Buses must only park in the designated area as shown in plan titled *Rue Balguerie Footpath Sketch dated 23.10.23*.
12. Scheduled buses are not to idle for more than 5 minutes after arrival or 5 minutes before departure.
13. A booking system shall be established restricting bookings to no more than one scheduled bus in attendance at any given time. These bookings shall be separated by at least 30 minutes. The maximum number of bus bookings shall not exceed five per day. The consent holder is responsible for recording the number of bus bookings and timings on any day and shall make the information available on Council's request. Records should be kept of up to a minimum of 6 months.

Note: conditions 11 -14 are to be implemented on the commencement of this consent. An informal bus designated area can occur in a similar location while community board approval is being obtained.

14. Prior to the opening of the entrance building to the public six onsite cycle parks that are easily accessible to the public shall be provided in the location shown on the approved Landscape Mitigation Plan. The parks shall be designed in accordance with Council's engineering standards for visitors and Waka Kotahi Cycle Parking Planning and Design Guide (for staff).

Services As-Built Requirements

15. As-Built plans and data shall be provided for all above and below ground infrastructure and private work in compliance with the Infrastructure Design Standards (IDS): <https://www.ccc.govt.nz/consents-and-licences/construction-requirements/infrastructure-design-standards/as-built-survey-and-data-requirements/>

Advice Note: this includes RAMM and costing data (GST). RAM data shall be submitted to Asset Engineer Binaya Sharma (Email binaya.sharma@ccc.govt.nz). Other data information is listed in the link above.

Noise

16. There shall be no provision for playing music, live or otherwise and/or the amplification of any outdoor sound such as the use of a PA system on the site at 74 Rue Balguerie.
17. The noise level from music on 70 Rue Balguerie shall not exceed 40 dB L_{Aeq} (15 mins) at any point within the following residential sites: 68 Rue Balguerie, 72 Rue Balguerie, 76 Rue Balguerie, 78 Rue Balguerie, 80 Rue Balguerie, 82 Rue Balguerie, 3 Rue Cachalot and 7A Rue Cachalot.

Noise shall be measured in accordance with NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with NZS 6802:2008 "Acoustics-Environmental noise", except that the provisions in NZS 6802 referring to Special Audible Characteristics shall not be applied.

Construction effects

18. All filling and excavation work shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esccanterbury.co.nz/>. The ESCP must be held on site at all times and made available to Council on request.
19. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road, or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site-specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.
20. The ESCP shall be implemented on site and maintained over the construction phase, until the site is stabilised (i.e., no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are inadequate. All disturbed surfaces shall be adequately topsoiled **and** vegetated as soon as possible to limit sediment mobilisation.
21. Dust mitigation measures such as water carts or sprinklers shall be used on any exposed areas. The roads to and from the site, and entrance and exit, must remain tidy and free of dust and dirt at all times.

22. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor.
23. In relation to the pathways and associated retaining walls and entrance building, excavation shall not commence under this land use consent until proof of an approved building consent covering all retaining walls required to construct the vehicle and pedestrian accesses shown on the plans submitted under this land use consent is presented to Council (email to rcmon@ccc.govt.nz).
24. The fill sites shall be stripped of vegetation and any topsoil prior to filling. The content of fill shall be clean fill (as defined by the Christchurch District Plan – Chapter 2 Definitions).
25. Any change in ground levels shall not affect the stability of the ground or fences on neighbouring properties.
26. No permanent unsupported cut or batter shall be formed any steeper than 26°, unless approved by a chartered professional engineer.
27. Stormwater runoff must be mitigated so that it does not cause a nuisance to neighbouring properties.
28. All impermeable surfaces shall be adequately drained.
29. All concentrated stormwater including that from behind the retaining walls, shall be discharged in a controlled manner to the Council network.
30. All works on site shall be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of earthworks. No works are to commence until the TMP has been accepted and installed.
The TMP shall identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures. It shall also identify the provision of on-site parking for construction staff. Activities on any public road should be planned so as to cause as little disruption, peak traffic safety delay or inconvenience to road users as possible without compromising safety. The TMP must comply with the Waka Kotahi NZTA Code of Practice for Temporary Traffic Management (CoPTTM) and the relevant Road Controlling Authority's Local Operating Procedures.
31. The TMP shall be submitted to the relevant Road Controlling Authority through the web portal www.myworksites.co.nz). To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR shall be supplied to the Council's resource consent monitoring team (via email to rcmon@ccc.govt.nz) at least 3 working days prior to the commencement of works under this consent.
Note: Please refer to <https://ccc.govt.nz/transport/legal-road/traffic-management-news-and-information> for more information.
32. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, shall be reinstated as specified in the [Construction Standard Specifications](#) (CSS) at the expense of the consent holder and to the satisfaction of the Council.
Advice note: Any structures on roads will require the roading asset owner's permission. Details of application can be found [here](#).
33. All construction must comply with the construction noise standard NZS6803 (1999). Construction can only occur between 7am-7pm daily (excluding Sundays and public holidays).

Landscaping

34. The landscaping shall be in accordance with the approved landscaping plan [DCM Urban Landscape Mitigation Plan Drawing 2022_030, L101, Revision J dated 17 August 2023].
35. The following landscaping areas shall be established at the timings as determined by site works and building works as below:
 - a. All planting around internal boundaries not affected by construction shall be planted following the granting of relevant building consents or after a site scrape (if needed).
 - b. Plantings around the street scene once the entrance building has been roofed and weather tight.
 - c. The remainder of landscaping shall be established within the first planting season (extending from 1st April to 30th September) following the final passed building inspection.
36. The Plum tree within the road boundary setback is to be maintained and protected where possible. If retention is not possible, a replacement tree shall be planted within the road boundary setback as soon as practical but no later than the within the following planting season.
37. Trees shall be allowed to grow to their natural form and height.
38. All landscaping required for this consent shall be maintained by the consent holder. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder as soon as practicable but no later than within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.
39. Any sculptures must be setback 2 metres from the internal boundaries.

Signage

40. Signage shall be restricted to be in accordance with the following:
 - Signage is limited to one sign within the area viewed from the street. This shall have a maximum of 1.115m².
 - No temporary signage such as the sandwich boards shall be permitted.
 - No signs shall include lighting or illumination.
 - The treatment of the entrance building glazing shall not be obstructed or obscured with signage or decorations.

Accidental Discovery – Ecology

41. if a nest (of a bird species that is protected under the Wildlife Act 1953) is found, then work within 20m of the nest shall cease and the consent holder shall contact Council's Ornithologist for advice. No works in these areas shall occur until Council's Ornithologist has assessed the nest and associated birds and determined that appropriate steps are being taken to avoid adverse effects on birds.

Note: Council's Ornithologist is Andrew Crossland- andrew.crossland@ccc.govt.nz. It is unlawful to harass bird species under the Wildlife Act 1953.

Compost/Putrescible Material

42. Any composting or putrescible material shall be setback 5 metres from any internal boundary. Any composting shall be in solid containers and covered to control potential odours.

Advice notes:

- i) *Monitoring*
The Council will require payment of its administrative charges in relation to **monitoring of conditions**, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:
 - (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and

- (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
- (c) Time charged at an hourly rate if more than one inspection, certification of conditions, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and inspection fees will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- ii) This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the **Building Act 2004**. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.
- iii) This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless of whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or archaeologistcw@heritage.org.nz before commencing work on the land.**
- iv) The activity does not extend to venue hires.
- v) When outdoor maintenance equipment is needing to be replaced, it is recommended that electric powered tools are utilised.
- iv) **Development Contributions**

Please note that a development contribution is likely to be required under the Development Contributions Policy. The Council requires Development Contributions to be paid prior to the issue of a Code Compliance Certificate for a building consent, the commencement of the resource consent activity, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection.

The contributions are defined in the Council's **Development Contributions Policy**, which has been established under the Local Government Act 2002 and is included in the Council's Long Term Plan. Full details of the Policy are available at www.ccc.govt.nz/dc. If you have any queries in relation to this matter, please contact our Development Contributions Assessors on phone (03) 941 8999.