DAVIS OGILVIE
ENGINEERS / SURVEYORS / PLANNERS

APPLICATION FOR LAND USE CONSENT

JUNE 2022 / 70 & 74 RUE BALGUERIE, AKAROA

/ PREPARED FOR S.P. JAY AND J. E. MARTIN

0800 999 333
hello@do.nz

Level 1, 24 Moorhouse Avenue, Addington
PO Box 589, Christchurch 8140
www.do.nz

Davis Ogilvie & Partners Ltd

APPLICATION FOR RESOURCE CONSENT
SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

TO: the Christchurch City Council

1. **Simon Jay and Josie Martin** hereby applies for Land Use Consent described below:

   Consent is sought for the construction of a café, entrance building and the expansion of the sculptural gardens onto the southern portion of the site at 74 Rue Balguerie in association with the established and consented activities at 70 Rue Balguerie, Akaroa, commonly known as *The Giant's House.*

   Section 5 of the application includes an assessment of environmental effects in sufficient detail to satisfy the purpose for which it is required. This is in accordance with the Fourth Schedule of the Resource Management Act 1991.

2. The names of the owner and or occupier of land to which this application relates are as follows: Simon Philip Jay, Glenn Neill Hansen, Josanne Elizabeth Martin, and Larissa Elizabeth Josanne Jay.

3. The location of the proposed activity is as follows:
   70 and 74 Rue Balguerie, Akaroa.

4. No additional resource consents are needed for the proposal to which this application relates.

5. There are no other activities that are part of the proposal to which this application relates.

6. In accordance with the Fourth Schedule of the Resource Management Act 1991 (as amended 3 March 2015), Section 5 of the application includes an assessment of environmental effects that the proposed activity may have in such detail to satisfy the purpose for which it is required.

7. No other information is required to be included in this application by the district/regional plan, the Resource Management Act 1991, of any regulations made under the Act.

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Davis Ogilvie & Partners Limited
(On behalf of applicant).

Date: 14 June 2022

ADDRESS FOR SERVICE:
Davis Ogilvie & Partners Limited
PO Box 589
CHRISTCHURCH 8140

Attention: Damienne Donaldson

Telephone: (03) 366 1653
E-mail: Damienne@do.nz

ADDRESS FOR APPLICANT:
Josie Martin and Simon Jay
74 Rue Balguerie
AKAROA

Attention: Josie Martin

E-mail: thegiantshousenz@gmail.com
E-mail: simonpjay@hotmail.com

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QUALITY ASSURANCE

Title:	Application for Land Use Consent 70 & 74 Rue Balguerie, Akaroa
Owner:	Simon Philip Jay, Glenn Neill Hansen, Josanne Elizabeth Martin, and Larissa Elizabeth Josanne Jay.
Applicant:	Simon Phillip Jay and Josie Elizabeth Martin
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Project No:	35916

Prepared By:	**Damienne Donaldson** Principal Planner BSc, PG Dip Res St, Assoc. NZPI	**Signature:**
Reviewed By:	**Fred Coughlan** Planner BEMP, Assoc.NZPI	**Signature:**
Approved By:	**Russell Benge** **DIRECTOR** Licensed Cadastral Surveyor BSurv, PCApplSc, MNZIS, RPSurv Assoc.NZPI	**Signature:**

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1.0 INTRODUCTION

The following report is an assessment of the actual and potential effects on the environment generated by the construction and establishment of a café, entrance building and the expansion of the sculptural landscaped gardens on the southern portion of the site at 74 Rue Balguerie in association with the established and consented activities at 70 Rue Balguerie, Akaroa.

The Giant's House is the most popular tourist attraction within Akaroa village comprising a beautifully renovated and maintained colonial home "Linton" and recognised in 2018 as a Garden of International Significance (NZGT) by the New Zealand Gardens Trust. The applicant seeks to enhance the overall experience by providing a café, entrance building and expanding the landscaped and sculptural gardens.

A fundamental determinant for the site design and proposal is the provision of accessibility. Presently, site characteristics being a steep driveway and entry steps restricts or impedes access to the site for a number of individuals. Increasing accessibility is paramount with the design providing easier, more user-friendly access to the garden, with the incorporation of a gentle zig zag pathway, lift and ramp access.

This application addresses the character of the land, and the relevant provisions of the Christchurch District Plan (District Plan). The report also includes an Assessment of Effects ('AEE') on the environment as required by the Fourth Schedule to the Resource Management Act 1991.

1.1 Summary of Applicant and Proposal Details

Applicant:	Simon Jay and Josie Martin
Owner:	Simon Philip Jay, Glenn Neill Hansen, Josanne Elizabeth Martin, and Larissa Elizabeth Josanne Jay.
Site Address:	70 and 74 Rue Balguerie, Akaroa
Legal Description:	Lot 1 DP 310720, Lot 1 DP 39628, and Lot 2 DP 53338
Record of Title:	42103 and CB32B/457

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Net Area:	**74 Rue Balguerie** Lot 1 DP 310720 - 1,587m^2 **70 Rue Balguerie** Lot 1 DP 39628 - 1,793 m^2 Lot 2 DP 53338 - 524 m^2 Total net site area - 3,904 m^2
District Plan:	**70 and 74 Rue Balguerie** Residential Banks Peninsula Zone (Planning Maps 77, R5 & H36).
Notations and Overlays:	**70 Rue Balguerie** ▪ Remainder of Port Hills and Banks Peninsula Slope Instability Management Area. ▪ Heritage Item # 667 & Heritage Setting # 123 (70 Rue Balguerie). ▪ Ngā Tūranga Tūpuna. **74 Rue Balguerie** ▪ Remainder of Port Hills and Banks Peninsula Slope Instability Management Area. ▪ Ngā Tūranga Tūpuna.
Road Hierarchy:	Rue Balguerie – Local Road.
Proposal:	Land use consent is sought as a **discretionary** activity.

2.0 SITE AND SURROUNDS

2.1 The Application Site

The application site being 70 and 74 Rue Balguerie is legally described as Lot 1 DP 310720, Lot 2 DP 53338 & Lot 1 DP 39628. It has a total area of 3,904 m^2 and is held in Records of Title 42103 & CB32B/457. A copy of the Records of Title is attached as **Appendix 1** to this application.

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The site is located on the southern side of Rue Balguerie, midblock between Rue Cachalot and Langlois Lane, approximately 600 m east of Rue Lavaud, the main street and commercial area of Akaroa. Rue Balguerie is classified as a local road within the District Plan and provides access to Stony Bay.

The application site is shown in Figure 1 on the following page.

Figure 1: Location diagram

70 Rue Balguerie

The portion of the site located at 70 Rue Balguerie, commonly referred to as "*The Giant's House*". The site comprises several activities including gallery, café and sculptural gardens as shown in the following images.

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Image 1: View looking South towards Linton

Image 2: Existing café

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Image 3: Gallery

The historic house "Linton" and setting are classified as "Highly Significant" in the District Plan as shown in Figure 2 below. The dwelling is identified as a "Category 2" Heritage Item on the Heritage New Zealand Pouhere Taonga Heritage List. Linton is the residence of Josie Martin, a horticulturist and internationally renowned artist.

Linton was built in 1880 of kauri and torara, located on a relatively flat building platform, with a series of terraced gardens, mosaic and sculptured gardens sloping towards Rue Balguerie to the north. A series of extensive retaining walls run along the southern internal boundary.

The sculpture and mosaic gardens have been awarded 6 stars in the 2018 as a Garden of International Significance (NZGT) by the New Zealand Gardens Trust[1].

Access to the site is via an 80 m driveway which extends steeply from Rue Balguerie and a series of steps which lead to the entry gate. An access gate and parking area is located at the top of the driveway for those with mobility requirements.

[1] www.gardens.org.nz

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Figure 2: Heritage Item and Setting Aerial Map (District Plan Aerial Map 605)

74 Rue Balguerie

The portion of the site located at 74 Rue Balguerie fronts Rue Balguerie and contains a modest 60 m² residential dwelling on a flat terrace located approx. 2-3 m above the road level. This dwelling is to be demolished once site development begins. This property slopes steeply towards the southern internal boundary with 70 Rue Balguerie. Landscape stairs with landing and a decking platform are located adjacent the southern boundary to enable access between 70 and 74 Balguerie. There is no formed vehicle crossing or accessway, access is provided by a 10 m long unsealed vehicle access.

The site features extensive boundary plantings being: the eastern portion of the site is planted with 30 large 5 m high Prunus Serrulata Kanzan (Cherry Blossoms), a 2.5 m Griselinia Littoralis hedge along the eastern site boundary, 11 Photinia Red Robin trees along a portion of the north eastern boundary, 9 large Michelia Yunnanensis varieties approx. 4 metres in height, 3 large Agave plants, 12 pencil Cypress and 1 Acer tree on the west boundary as shown in the photo montage in Figure 3 following.

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Figure 3: Photo Montage of existing landscaping (74 Rue Balguerie)

The proposed development is in the Residential Banks Peninsula Zone under the Christchurch District Plan. The zone reflects the unique character of the Bank Peninsula settlement, which is reflected by:

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"…small lot sizes and narrow streets. Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings, and well-treed properties. Akaroa is a focal point for visitors to the region and the district. The character of these two settlements is highly valued and the District Plan provisions seek to retain that
character."

2.2 The Surrounding Area

The surrounding area contains a mixture of standalone residential dwellings; a mix of colonial cottages and traditional suburban form, a number are utilised as holiday houses. The site is located near the eastern fringe of residential activity in Akaroa, near the beginning of the rural zone towards the end of Rue Balguerie.

Akaroa is a small settlement township, located at the end of State Highway 75 in the Banks Peninsula. The village has a strong character, with a diverse mix of history, architectural associations, rural and tourism activities.

2.3 Consent History

Resource consents granted by the Christchurch City Council are listed below:

RMA/2000/103 (RES95101059 (BPDC RC00/165)) – September 2001

Resource consent was granted for the establishment of a commercial activity (a café in conjunction with visitors to the house and garden). Retrospective consent was sought concurrently for a bed and breakfast, garden tours, artists gallery and workshop and a function venue for concerts) at 70 Rue Balguerie.

RMA92012519 – October 2008

Resource consent was granted for additions to an existing Category 2 protected building.

RMA/2015/1157 (RMA92029407) – July 2016

Resource consent was granted for the establishment of a 48 m² café building on the north-eastern corner of the site at 70 Rue Balguerie.

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RMA9/2017/3169 – February 2018

Resource consent was granted (permitted boundary intrusion) for the construction of landscape stairs with landing and decking platform to enable access between the sites 70 and 74 Balguerie.

RMA/2018/1164 - June 2018

Land use consent was granted for the establishment of a residential dwelling with associated earthworks on the site at 74 Rue Balguerie.

2.4 National Environmental Standard

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) came into the effect in January 2012. The NES requires territorial authorities to enforce the regulations for particular 'land' and 'activity' criteria.

A review of the Listed Land Use Register (LLUR) held by Environment Canterbury, there is no evidence of ground contamination or of activities described on the Hazardous Substances and Industries List (HAIL) occurring or having occurred on the site. Accordingly, the NES does not apply to the activity.

3.0 DESCRIPTION OF PROPOSAL

3.1 General Description

This application seeks consent to construct a café and entrance building for the existing activity on site at 74 Rue Balguerie and expand the landscape sculptural gardens at 70 and 74 Rue Balguerie.

The Giant's House is a popular tourist attraction within the Akaroa village. The applicant seeks to enhance the overall experience by providing a welcoming, efficient admission area with combined retail shop, and café set within an expanded mosaic and sculptured gardens. Furthermore, improvements to accessibility to and within the site is paramount. Visitors are from a wide demographic including but not limited to, elderly, persons with disabilities including mobility issues and school children. The existing entrance is via a steep driveway with entrance steps. These features make the activity inaccessible for some and or difficult to access. The proposal seeks to provide easier, more user-friendly access to the garden, with the incorporation of gentle zig zag pathway, ramp access and a lift to reach the upper levels of the site.

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The proposal is described in more detail below and is further illustrated by the development plans included in **Appendix 2** to this application. These plans include an architectural design philosophy in relation to the entrance building.

3.2 Entrance Building

The 124 m² entrance building is located within the northern most portion of the site adjacent Rue Balguerie. The building features an oval "egg" shaped design with spiral roof. The design incorporates a mix of raw materials; concrete and wood with exposed trusses creating a "willow effect". The purposely sculptural design and materials have specifically considered: the unique character of The Giant's House, symbolism represented within the artist's work and organic and flowing natural forms.

Visitors will enter the building via a newly formed access comprising a ramp and stairs leading directly to the building entrance from Rue Balguerie. This entrance is framed by landscaping, screening and exposed concrete and forms a courtyard appearance which emphasises the pedestrian entry. On entry the flow of the customers will be directed to the reception desk by the defined curved lines and then as the spiral continues customers ascend toward the hill and landscaped gardens.

It is important to note that the plans are conceptual in terms of ramp and step access from Rue Balguerie and acknowledge that the plans indicate works within the road reserve. These works form a separate Council process and will be worked through at a later stage. In the interim access will be via the access way until consultation with Council has been undertaken.

The ticketing system will be upgraded to an integrated system which can accommodate the purchase of not only single yet also group tickets. At present the ticketing and accounting system is archaic and ineffective, particularly in dealing with large groups. This is important as a faster, more efficient and streamlined process is required not only from a commercial perspective yet also for the customer experience.

An area approximately 5m² will be designated for the purchase of souvenirs and gifts.

Bathroom facilities, lobby and storage form the balance of the building.

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Image 4: Concept Image of Entrance Building

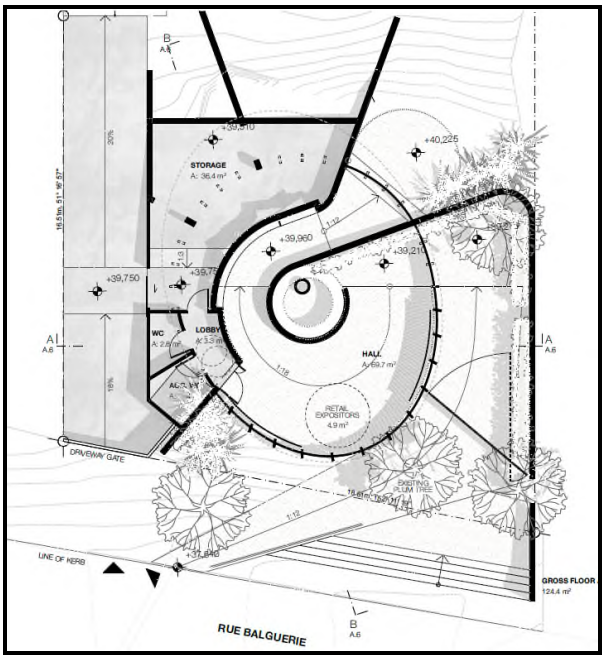

Figure 4: Entrance Building Layout

The existing access to The Giant's House via the right of way serving 70 Rue Balguerie will not be available to the public.

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3.3 Café

The site currently contains a quaint café “The artist’s palate” which serves a range of food and beverages with seating nestled amongst the garden. The proposal seeks to construct a 112 m² café towards the southern boundary of 74 Rue Balguerie in proximity to where it adjoins 70 Rue Balguerie. The café connects to the external stairs and landing. The proposed café replaces the existing café and kitchen within the house. This café will remain a “garden café” providing an enhanced café experience offering a range of light lunches, afternoon teas and refreshments including but not limited to, sandwiches, cakes, slices and Devonshire teas and cold and hot beverages within a pleasant, unique, and comfortable setting.

The overall 205 m² two level building will comprise a 112 m² café comprising: serving area, kitchen and food preparation area, pantry, indoor seating, log burner and bathroom facilities and display areas. The café building will feature a 24 m² deck orientated south linking to the existing external stairs and providing access to the wider site. This deck will not comprise outdoor seating. A lift will provide additional access from ground level.

The café forms a complementary part to the garden experience and is only available to those who pay an entry fee to The Giant’s House. It will not be advertised as a stand-alone café and has limited hours of operation.

To maximise usable space the ground floor will contain a storage and a display area, staff office and amenities.

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Figure 5: Floor Plans and Conceptual Images of North-East and South Elevation

3.4 Sculpture and Mosaic Gardens

The sculpture and mosaic garden extends into the site at 74 Rue Balguerie, which will be designed to provide connectivity between the entrance building and the existing activity at 70 Rue Balguerie. This garden area will be secondary to the existing sculptural garden with plantings and sculptures dispersed amongst the pathways. A path meandering through the cherry trees will be informal. The garden extension will act as an intermediary between the entrance building and existing sculptural gardens utilising the natural contours of the site.

At time of lodgement landscaping and sculptural elements have not been determined. However, the site at 74 Rue Balguerie will be landscaped and designed with imagination and sensitivity to the residential area in a complementary manner to that which exists within the wider site. As shown in Figure 3 preceding plantings and landscaping have been established along internal boundaries.

3.5 Site Connectivity

As mentioned previously, the site slopes upwards to the south therefore, the stairs and landing consented under RMA/2017/3169 will provide an accessible and direct connection between the two sites (70 and 74 Rue Balguerie).

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An informal pathway will be constructed from the entrance building meandering south towards The Giant's House utilising the natural contours of the site. This pathway will not be overly engineered ensuring a residential form and will be framed by plantings and sculptures commensurate with the site.

3.6 Urban Design

An urban design assessment has been prepared by Dave Compton-Moen. This assessment considers the entrance building, café, and the expansion of The Giant's House sculptural gardens. Where relevant the assessment has been undertaken against 14.15.1 Residential Design Principles of the Christchurch City District Plan, with a particular focus on (i) Hillside and Small Settlement areas. It has also been assessed where relevant against 14.15.3, 14.15.5 and 14.15.17. It is to be noted that whilst this development is not a residential development within itself, the above matters have been used to inform the assessment. The urban design assessment forms **Appendix 3** to this application.

3.7 Hours of Operation

The Giant's House, sculptural gardens and café will operate between 10:00am to 5:00pm daily.

3.8 Visitor Numbers

Visitor numbers vary daily as they are subject to weather, seasonal variances, weekend and weekday, public and school holidays, and cruise ship arrivals. Whilst there are "peaks" which may occur these are on an occasional basis and there is also a large variation in visitor numbers between the May-September and October-April "seasons". Owing to variability in numbers with respect to seasonal variation and occasional peak demand the following table states an anticipated average and maximum hourly number of visitors.

Table 1: Anticipated Average & Maximum Hourly Visitors Numbers

Season	Frequency (Hours)	Visitor Numbers per Hour (Anticipated Average)	Visitor Numbers per Hour (Anticipated Maximum)
Winter (May – September)	No Limit	<20 visitors	20 visitors
Summer (October – April)	No Limit	45 visitors	120 visitors

3.9 Staff Numbers

The Giant's House and garden will employ up to four full time equivalent staff during the peak seasonal months (including reception staff and gardeners/handyman).

The café will employ up to three full time equivalent staff during the peak seasonal months.

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3.10 Vehicle Access

One new vehicle crossing is proposed to replace the existing vehicle crossing at 74 Rue Balguerie. This vehicle crossing will serve as a private access to the property on the eastern property boundary. This will not be available to the public.

70 Rue Balguerie has an existing 80 m steep driveway via a formed right of way. This provides access to The Giant's House. The proposal does not seek to alter this site access arrangement.

3.11 Parking

No additional vehicle parking is proposed, and delivery vehicles will not be servicing the proposed or current site as supplies are collected externally by The Giant's House Staff.

Five cycle parks are provided outside the entrance building.

3.12 Coach Bookings

The applicant seeks to establish a booking system for coaches and tour groups to manage arrivals and schedule pre-defined arrival times. This system will include a 30-minute buffer either side of bookings to minimise any overlapping.

The applicant is offering a condition of consent regarding a booking management system.

3.13 Traffic Generation

A Transport Assessment (TA) has been prepared by Abley which calculates generation based on a travel survey undertaken between 26th February 2021 and 10th April 2021 and average and maximum hourly visitor numbers anticipated on the site. The assessment estimates the number of vehicles arriving and parking is 3 vehicles under the winter maximum numbers, and on average 7 vehicles in summer months up to a maximum of 20 vehicles per hour in summer. These number assume none of the visitors arrive by coach.

The above is further detailed in section 4.3 of the Transport Assessment, which forms **Appendix 4.**

3.14 On-Street Works

The applicant will consult with Council's Transport Unit and the Community Board to enable on-street works to construct a pedestrian access ramp to provide for those will mobility issues and No Stopping At All Times (NSAAT) lines to be installed across the front of the site to ensure vehicles do not park in front of the pedestrian access.

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3.15 Earthworks

The earthworks associated with the paths and driveway (eastern) equate to a total volume of approximately 31 m^3. It is imperative to note that these figures are preliminary and could vary by +/- 10% depending on final design. Earthworks in association of the buildings (café and entrance) will not commence until a building consent has been approved such that earthworks within the footprint of the building meet the exemption under Rule 8.9.3a. iv.

3.16 Signage

The proposal seeks to retain the existing entrance signage. This is to be relocated from the existing location adjacent the accessway to 70 Rue Balguerie to the site at 74 Rue Balguerie.

3.17 Proposed Conditions

1. A booking system shall 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 bookings.
2. Scheduled buses are not to idle for more than 5 minutes after arrival or 5 minutes before departure.
3. 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.
4. All filling and excavation works shall be subject to an Erosion Sediment Control Plan (ESCP) in accordance with Environment Canterbury's Toolbox.
5. Should any archaeological material or sites be discovered during the course of work on site, work in that area of the site shall stop immediately and appropriate agencies, including Heritage New Zealand Pouhere Taonga and Mana Whenua, shall be contacted immediately.

3.18 Additional Consents

Building consent for the proposed buildings will be applied for. This application can be processed independently of the above consent.

4.0 ASSESSMENT UNDER THE CHRISTCHURCH DISTRICT PLAN

The relevant provisions of the Christchurch District Plan became fully operative in November 2017. This application has been assessed under the Residential Banks Peninsula Zone, and subsequent overlays and notations of the District Plan. The following assesses relevant rules to this proposal.

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4.1 Residential Banks Peninsula Rules

The table below outlines the standards within the Residential Banks Peninsula section (Chapter 14) of the District Plan that are relevant to this proposal: As the proposal is a discretionary activity, an assessment of the built form standards has not been provided in Table 2 below, these only apply to permitted activities.

Table 2: Residential Banks Peninsula Rules – Chapter 14

Rule	Compliance Comment
14.8.1.4 **Discretionary Activities** **D1** Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.	The retail activity does not meet rule 14.8.1.4 standard. iii. the maximum floor area used for retail activities on any site exceeds 50m²; The proposed retail[2] within the entrance building and the café (food and beverage) triggers D1 rather than D6.
14.8.1.4 **Discretionary Activities** **D5 Place of Assembly[3]** Place of assembly where: i. the minimum site area is not less than 30m² per person; ii. all outdoor areas associated with the activity are screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites; iii. the hours of operation are between 07:00 - 22:00 hours Monday to Sunday and public holidays; and iv. there is no use of heavy vehicles associated with the activity	The total site area is approx. 3,904 m² which would permit up to 130 visitors on site at any one time. As detailed in section 3.8 preceding the anticipated hourly maximum visitor numbers during summer months is 120. The internal boundaries comprise a combination of 1.8m high fences and landscaping. The hours of operation are between 10:00am - 5:00pm The activity does not use heavy vehicles. **Discretionary Activity**

Therefore, pursuant to Rule 14.8.1.4 D1 and D2 and as shown in Table 2 above the proposal is a **discretionary** activity.

4.2 Transport Rules

A Transport Assessment (TA) has been prepared by Abley. This assessment includes a comprehensive assessment against the rules within the Transportation section (Chapter 7) of the Christchurch District Plan that is relevant to this proposal. Rather than duplicate the content of this report the reader is directed to the TA which forms **Appendix 4** to this application.

[2] Retail activity means the use of land and/or buildings for displaying or offering goods for sale or hire to the public. It includes food and beverage outlets, second-hand goods outlets, food courts and commercial mail order or internet-based transactions. It excludes trade suppliers, yard-based suppliers and service stations.

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Table 3 below summarises the transportation non-compliances as identified in the TA.

Table 3: Transport Rules – Chapter 7	
Rule	**Compliance Comment**
Rule 7.4.3.2 **Minimum number of cycle parking facilities required** Any activity At least the minimum amount of cycle parking facilities in accordance with Appendix 7.5.2 shall be provided on the same site as the activity. Table 7.5.2.1 - Food and Beverage: Visitors: 1 space / 300m^2 PFA Staff: 1 space / 100 m^2 PFA (2 space minimum) Table 7.5.2.1 –Other entertainment / recreation facilities: Visitors: 1 space / 50m^2 PFA Staff: 10 % of visitor requirements	A total of 5 spaces are required being: 3 visitor and 2 staff. A total of 5 spaces are provided however none are proposed to be covered. **Does Not Comply – Restricted Discretionary Activity**
Rule 7.4.3.6 **Design of parking and loading areas** a. All non-residential activities with parking and/or loading areas used during hours of darkness. Lighting of parking and loading areas shall be maintained at a minimum level of two lux, with high uniformity, during the hours of operation. b. The surface of all car parking areas, loading areas, and associated access areas shall be formed, sealed and drained and car parking spaces permanently marked.	a. The existing parking area is not used during hours of darkness b. The existing car park is formed, sealed, and drains well, Spaces are not currently permanently marked and are not frequently used. In the future this car park will be for private use. **Does Not Comply – Restricted Discretionary Activity**
Rule 7.4.3.7 **Access design – Vehicle access width** Any activity with vehicle access shall be provided in accordance with appendix 7.5.7 a) All vehicle access to and within a site shall be in accordance with the standards set out in Table 7.5.7.1. a. For all activities with less than 15 parking spaces, the formed width of vehicle access is required to be between 4m and 7m b. Queuing space required if there is more than four	a) The existing access to The Giant's House is 4m wide and the new vehicle access (for maintenance vehicles only and does not include any car parking) is at least 3.25m wide. b) The access way to the café is 3.25m wide and 17.2m long. The access to The Giant's House is 4m wide and 80m long. This is considered an existing non-compliance. c) The proposed access has clear visibility as per Section 4.1.

[3] Place of Assembly means land &/or buildings used principally for the public or private assembly of people for recreation activities, cultural activities or entertainment activities.

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b) Any vehicle accesses longer than 50 metres and with a formed width less than 5.5 metres wide shall provide passing opportunities (with a minimum width of 5.5 metres) at least every 50 metres, with the first being at the site boundary. c) All vehicle access to and /or from a site in a residential zone, shall allow clear visibility above 1 metre within a triangle measured for a width of at least 1.5 metres either side of the entrance, and for a length at least 2 metres measured from the road boundary. This rule does not apply to sites that have an existing vehicle access, unless there has been a change in the location of the entrance of the vehicle access (at the road boundary) and/or an increase in the number of residential units that the vehicle access serves. d) Where parking spaces are provided in separate areas, then the connecting vehicle access between the parking areas shall be in accordance with the standards in Table 7.5.7.1 based on the number of parking spaces served. e) The minimum and maximum widths shall be measured at the road boundary and apply within the site until the first vehicle control point. f) Where a mix of activities is proposed, the largest relevant dimension is applicable. g) The maximum gradient at any point on a vehicle access shall be in accordance with Table 7.5.7.2, except a maximum gradient of 1 in 5 (minimum 4.0 metres long transition ramps for a change of grade 1 in 8 or greater) shall apply for accesses that are identified in (g). For curved accesses, the maximum gradient shall be measured on the inside of a curved vehicle access. h) The maximum change in gradient without a transition shall be no greater than 1 in 8 (12.5%). Changes of grade of more than 1 in 8 (12.5%) shall be separated by a minimum transition length of 2 metres (see Figure 9 for an example). i) Where the gradient exceeds 1 in 10 (10%) the vehicle access is to be sealed with a surface that enables safe access in wet or icy conditions.	d) Parking is only in one area, which is located at the end of The Giant's House Driveway f) Noted h) Noted i) Probably need the gradients to complete the assessment j) Accessway is existing k) Accessway is sealed **Does Not Comply – Restricted Discretionary Activity**

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Rule 7.4.2.4 **Discretionary Activities** **D1** Any activity in the Transport Zone not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.	The proposed steps and ramp located within the berm are not provided for as any other activity status within the Transport zone. **Discretionary Activity**

Rule 8.4.5 states that:

Any activity under Rule 8.4.2 that does not meet the conditions for permitted activities in Rule 8.4.3, and is not otherwise a restricted discretionary activity, is a discretionary activity.

As can be seen from the Table 3 above, the proposed land use is a **discretionary** activity with regards to the transportation rules.

4.3 Earthworks Rules

The table below outlines the Earthworks rules (Chapter 8) that are relevant to this proposal:

Table 4: Earthworks Rules – Chapter 8	
Rule	**Compliance Comment**
Rule 8.9.2.1 **Permitted Activities** i. Earthworks shall not exceed the volumes in Table 9 over any 12-month time period. - 20m³ Residential ii. Earthworks in zones listed in Table 9 shall not exceed a maximum depth of 0.6m. iii. Earthworks shall not occur on land which has a gradient that is steeper than 1 in 6.	The proposal seeks to undertake approx. 31 m³ of earthworks. **Does Not Comply – Restricted Discretionary**

Therefore, pursuant to Rule 8.9.2.3 RD1, the proposed earthworks are a **restricted discretionary** activity.

4.4 Natural and Cultural Heritage – Ngai Tahu values and the natural environment

It is noted that the site is subject to the Ngā Tūranga Tūpuna overlay. As noted in Clause 9.5.3.g sub-chapter 9.5 does not contain activity status rules in respect of sites identified in the Ngā Tūranga Tūpuna, however maters of discretion contained in clause 9.5.5.2 are applicable. This is further addressed in section 5.6 following.

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4.5 Conclusion with respect to assessment of the Christchurch District Plan

Having regard to the relevant rules under the District Plan, and based on the assessment undertaken above, land use consent is sought as a **discretionary** activity.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent include an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. This section also requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991. This assessment has been made in accordance with both these requirements.

This application seeks consent for a **discretionary** activity. As a discretionary activity, the Council's assessment is unrestricted. The actual and potential adverse effects of the proposal on the environment can be categorised as follows:

- Baseline and Consented Environment
- Residential Character and Amenity
- Transportation Effects
- Historic Heritage
- Earthworks

5.1 Statutory Baseline (s104(2))

Prior to undertaking an assessment of the effects of this proposal, consideration must be given to those additional or marginal effects on the receiving environment as it exists, including activity authorised by existing resource consents. In addition, regard may also be given to the effects of any activity which can be undertaken as of right under the relevant District Plan.

Consented Environment

The consented environment is detailed in section 2.3. In essence (RMA/2000/103) allows for the establishment of a café, gallery, artists workshop, concert venue, bed and breakfast and garden tours on the portion of the site containing The Giant's House.

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Regarding the nature and scale of the consented activity the application stated the garden activities occur *"mainly in Spring and Summer, individuals, small groups, occasional bus group visits – 20 minutes to 2 hours maximum".* The café is *"small scale with refreshments, morning and afternoon teas and light lunches in the house around the garden".* Regarding parking *"parking is mainly on the street… parking is provided at the top of the drive for approximately six cars…. Large buses park on the street and people walk up the drive, … buses are only occasional and are there for maximum of 3/4hrs to 1 hour. The majority of visitors walk*…" The hours of operation as detailed on the consented signage states open hours are 1.30pm to 4.30pm.

The existing effects authorised under RMA/2000/103 may be disregarded as the applicant already has the right to impose these effects. These effects form part of the existing environment against which the proposal is to be assessed.

5.2 Other Matters

Prior to discussing effects, it is considered relevant to mention the burgeoning and unprecedented number of visitors to Akaroa arriving by cruise ships during the 2018/2019 season. 91 cruise ships were scheduled to visit Akaroa, and, on many occasions, this included the arrival of two vessels on the same day. As such, the numbers of visitors to The Giant's House during this period significantly increased. The applicant does not consider these numbers will be sustained given the opening of the Lyttelton cruise ship berth resultant in most cruise ships returning to Lyttelton Harbour. Moreso, considering the global pandemic it is difficult to determine the impact this will have on visitor numbers. During the summer season 2021/22 the hours of operation for the café were reduced to weekends only, with the return of overseas visitors it is hopeful that the normal hours of operation will resume, this will be subject to demand. In the foreseeable future it is considered highly unlikely that the visitor numbers reached during the 2018/2019 season will be reached and/or sustained.

5.3 Residential Character and Amenity

Adverse effects may arise with the establishment or expansion of non-residential activities in living environments. Such activities may result in a loss of amenity due to issues relating to residential character and residential amenity. The RMA defines amenity values as *those natural or physical qualities and characters of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*

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Residential amenity and residential character are interrelated. Residential amenity and character relate to the qualities and attributes that enable people to enjoy living where they do, such as visual appeal/amenity, privacy, sense of spaciousness, acceptable levels of noise and traffic. All these components together make up the character and amenity of the residential environment.

Café and Retail Activities

In terms of retailing the proposal seeks to continue the operation of the on-site café and formalise the purchase opportunities of souvenirs and gifts within an area dedicated to a gift/souvenir shop within the entrance building. In general terms, the small scale of retailing forms a complementary part of the activity rather than an incompatible and stand-alone activity.

The café will replace the existing café which currently operates from the site (refer image 2). This café will continue to provide light meals, refreshments and beverages in a setting which provides for all weather variances. The café will be for the exclusive use of those who pay an entry fee and not open to the public. As such, the café itself is not considered to result in an intensification of the activity rather, it provides an enhanced level of amenity which is somewhat expected in today's café society.

The existing café presently employs one full time employee which increases to three on the weekends, peak periods, and tour coaches' days.

In terms of retailing within the entrance building, this will be contained to a small area approx. 5 m² located adjacent the ticketing counter comprising several expositor shelves and desks for display purposes. This will enable customers the opportunity to purchase souvenirs and gifts. The retail component does not act as a stand-alone retail activity rather provides a tailored range of items which are relevant to the site and locale. Once again, it is considered the provision of this retail component will not intensify the overall activity.

It is not anticipated the provision of these ancillary facilities (café and entrance building) will result in the intensification of the activity as these activities are unable to operate independent of each other. It is therefore considered adverse effects because of these activities are limited.

Buildings (Café and Entrance)

In terms of building design, the proposed buildings have been designed in a manner not only to be functional but more importantly create elements of architectural interest and uniqueness commensurate with the sculptural gardens.

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In terms of the entrance building the design philosophy evolved from a recurrent theme within the wider site, an egg shape. This shape symbolises unity and collectiveness and provides a basis for the building shape. The buildings curvature not only provides a directional flow for visitors, but the spiral roof also ascends towards the hill guiding visitors to the wider site. The materials and structure have been "*designed to contribute and enhance the effect of being in an organic natural place"*. The overall design is *"purposively sculptural",* in anticipation of the overall experience. The architects design philosophy is further outlined in **Appendix 2**.
It is acknowledged that this building is not a quintessential residential design and therefore, alters the residential character as it currently exists. The overall intention of the applicant is that the uniqueness of the buildings is viewed as art in which one can observe and interact with. The design is relatively minimalist with expanses of glass and timber extending into a spiral roof form. The simplicity of design, scale and utilisation of the site's topography ensures the building does not unduly dominate the site or streetscape.

The entrance provides non-residential elements including areas of hard stand. Whilst the building engages closely with the street it is intended the existing plum tree remains, plantings along the western boundary which are likely to be a continuation of the existing Michaelis or bamboo and to the east and along the road frontage however, this will be determined once construction has been undertaken, thereby softening these elements.

The UDA states that the *"entrance building to be consistent with what would be anticipated in the area in terms of scale, and further the entrance building is of an appropriate size given its proposed location within a narrower section of the site. Although the proposed entrance building is to be located closer to the street boundary than the neighbouring dwellings (having a 1.1m setback), this is not completely out of place, as again a great deal of variation in setbacks exist in Akaroa and along Rue Balguerie itself" … "Although not characteristically 'residential,' as 'The Giant's House' is a well-known attraction within Akaroa and the neighbourhood, and given its renowned status, it would not be out of character for there to be a unique entry point to the garden from Rue Balguerie."*

The café has been designed to a modest scale and its location has been specifically considered considering the connectivity of the building within the wider site. Owing to the topography of the site and the requirement for interconnectivity of the stairs and landing the height of the café building has been determined. Notably, the proposed ramp access to the café connects to the existing landing formed under RMA/2017/3169. This is considered an important attribute, utilising existing physical structures on site in an integrated manner.

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The building design is purposely sculptural with expanses of glazing, curved form, mosaics, and decorative finials. It is anticipated that this building will become part of the garden artwork to observe in its own right. Careful consideration has been given to the design of the building, which is finely balanced to ensure it is not overly incongruous to the site and surrounds, whilst maintaining a degree of uniqueness. Nonetheless, effects on visual dominance and privacy are to be considered. The location of the café and its corresponding height is relative to the site constraints namely topography.

The location and orientation of the café as detailed above has considered not only physical structures and constraints yet also have been sited to maximise the northerly aspect whilst not compromising the outlook and / or privacy on adjoining sites due to separation distances. The height and orientation of the building whilst on the higher contours of the site are such that privacy of adjoining properties is not compromised.

The café is screened to the east by the expanse of plantings, the roof line, landscaping and fencing of the southern boundary results in a view shaft over the dwelling and thus being impenetrable into either the site or dwelling, the landscaping along the western boundary coupled with setbacks will sufficiently mitigate against privacy effects along this boundary. This is shown in the preceding photo montage. As mentioned previously, the applicant seeks to undertake additional plantings as part of the sculptural garden extension which will mitigate visual prominence of the existing connecting stairs and as stated in the UDA *"Visual prominence of the café in particular will be further reduced by extensive planting as part of 'The Giant's House' garden extension, enveloping the café building in the style of the existing garden."*

Considerations in relation to residential amenity include loss of visual amenity, nuisance and disturbance and loss of privacy/overlooking on adjoining properties. It is recognised that excessive noise levels can have a detrimental effect on the character and quality of the receiving environment. Noise effects are considered to be limited to those associated with noise from visitors and vehicles (private vehicles and buses). The District Plan does not specify a maximum (instantaneous) noise level for daytime (07:00-22:00). The proposed hours of operation are limited to daytime hours, subject to seasonal variances and will not result in noise disturbance outside of daytime hours.

In relation to noise from visitors it is anticipated that once visitors are dispersed throughout the garden conversational tones are unlikely to be excessive or cause nuisance. It is anticipated that visitors will behave in socially responsible manner, enjoying the peaceful and tranquil garden setting such that noise emissions at a level that is coherent with the receiving environment.

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Any noise disturbance is likely to be concentrated at the street entrance with visitors congregating outside the entrance building where groups (tour parties) may linger prior to entry or pick up or as visitors travel via foot to the site. In terms of effects these would be temporary and of a relatively short duration.

There is no provision for playing music, live or otherwise or amplification of any sound such as the use of a PA system outdoors. A condition of consent to this effect has been volunteered.

The proposal does not provide on-site parking in association with the activity. It is acknowledged that a further noise source will be that associated with noise generated from bus engines and manoeuvring. The applicant is to advise bus operators (tour companies or any large group bookings that utilise a bus/coach) buses are not to idle for more than 5 minutes after arrival or 5 minutes before departure. This coupled with establishing a booking system restricting bookings to no more than one scheduled bus arrival at any given time, with a 30 minute no booking buffer either side of bookings is considered to limit transport noise sources arising from coaches, which will be intermittent and of a short duration.

Sculpture and Mosaic Gardens

The proposal seeks the expansion of the sculptural gardens onto the site at 74 Rue Balguerie which will be designed to provide connectivity between the entrance building and the existing activity at 70 Rue Balguerie.

Whilst the design of this area has not been determined the gardens evolution will be a blend of the natural garden landscape, designed with creativity and flair synonymous with the existing gardens, where colour and form of ornamental plantings blend with sculptures and mosaics. As mentioned, this area will be secondary to the existing sculptural garden with plantings and sculptures dispersed amongst the pathways. The garden extension will act as an intermediary between the sites utilising the natural contours. It is not anticipated to be developed to such a scale as that which currently exists, which was developed over decades.

A landscape plan has not been provided as the site provides an additional “canvas” for Ms Josie Martin to expand her collections and installations. Ms Martin, an artist, and qualified horticulturist with numerous years of technical experience and international art residencies formulates her designs and planting are organic, working innately with the environment. The UDA states *“Given the artistic nature and working process of the applicant, I do not consider it necessary for a detailed Landscape Plan to be prepared for this proposal.”*

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5.4 Traffic Effects

The Christchurch District Plan sets out several transportation related rules which any new development is expected to comply with. Such rules include traffic generation, vehicle access, parking, and traffic generation. Compliance with these transport rules ensures the safe and efficient functioning of the transport network.

A transport assessment (TA) has been prepared by Abley, refer **Appendix 4.** This report provides an assessment of the transport aspects of the proposed development. It also describes the transport environment in the vicinity of the site, existing environment including the consented activities on site, describes the transport related components of the proposal and identifies compliance issues with the transport provisions of the District Plan.

The assessment has identified three traffic related District Plan non-compliances with regards to the cycle parking (7.4.3.2(a)), design of parking areas (Rule 7.4.3.6) and access design (Rule 7.4.3.7(a)). These have been assessed and the report concludes there *"are no adverse effects arising from these non-compliances".*

Furthermore, the transport assessment analyses the likely generation of traffic resulting from the proposal (private vehicles and coaches) and the effects on the surrounding road network. The report also looks at the access and parking arrangements and site access.

Rather than restating the content of the assessment a summary of the key findings is detailed below:

- The proposal is to add an entrance building, café and expand the sculptural gardens to the existing The Giant's House activity.
- The estimated number of vehicles arriving, and parking is 3 vehicles under the winter maximum visitor numbers, and on average 7 vehicles in summer months up to a maximum of 20 vehicles per hour in summer. This assumes that none of these visitors arrive by coach, whereas in reality when higher visitor numbers are experienced they are expected to predominantly arrive by coaches which can hold up to approximately 50 visitors.
- The resultant additional traffic on Rue Balguerie would be up to a maximum of one vehicle every 20 minutes (winter), an expected average of one vehicle every 8-9 minutes (summer) or one every three minutes (summer peak maximum) arriving at the site. This addition of traffic is well within the capacity of the road corridor and is not anticipated to result in any safety or efficiency issues.
- No additional vehicle parks are proposed. The existing parking which is available will be for private use and not available to the public with ample on street parking available to meet requirements.

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- Five visitor cycle parks are proposed in a location with excellent passive surveillance, and the travel survey results indicate there is a low demand for cycle parking with a maximum of four cyclists arriving in a day.
- No delivery or service vehicles will be required to access the site as deliveries and servicing will be undertaken externally. Rubbish collection will occur via the standard council collection service.
- Providing two vehicle accesses is an improvement on the existing site's access arrangements. It provides greater accessibility to pedestrians with a less steep gradient through terracing and a lift is proposed for those with mobility impairments.
- No Stopping At All Times (NSAAT) lines are proposed along the site frontage to improve visibility and safety and accommodate infrequent tour coach boarding and alighting.
- Most people visiting The Giant's House travel either by car or walk to the site based on the travel survey results from 2021, with infrequent tour coach arrivals.
- There is sufficient visibility at the newly proposed vehicle access exceeding the recommended 97m from the Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
- On-site observations and an exemplary safety record demonstrate that coaches can safely turn around using the Rue Cachalot /Rue Balguerie intersection to board and alight visitors to and from the site.

Overall, the wider network traffic effects of the additional traffic on the wider transport network are considered to be acceptable and within the traffic capacity of the surrounding roads.

5.5 Historic Heritage

The overall application site includes the site at 70 Rue Balguerie which under the District Plan affords Group 1 – Highly Significant status to the dwelling "Linton" (#667) and setting (#123). In 1983 Linton was granted a Category II listing with the Heritage New Zealand Pouhere Taonga.

This District Plan specifies any new building in a heritage setting is a restricted discretionary activity. The proposal seeks to construct buildings and expand the landscaped gardens in association with The Giant's House which is identified as a heritage setting under the District Plan. Whilst the proposed buildings and works are not located within the Group 1 listed site and heritage setting the overall application site includes the heritage site. Therefore, for the purposes of the application and completeness the following commentary is provided.

The proposal will expand the distinctive craftsmanship associated with the landscaped gardens and further elaborate on the style including forms, scale and texture and materials evident within the heritage setting. The contextual values that are associated with the setting will continue to be recognised and contribute and enhance the unique setting.

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It is considered that the proposal will not diminish the integrity of the original heritage item, nor will it detract from the heritage values and or fabric of the site. Furthermore, the proposal will not have an impact on the heritage features in the immediate vicinity. On this basis, the applicant has not consulted with Heritage New Zealand Pouhere Taonga.

Overall, it is considered that the integrity and form of the heritage building, and setting will remain unaltered and any effects on the wider environment in relation to historic heritage will be imperceptible.

5.6 Earthworks

The District Plan sets out several standards relating to earthworks within the Christchurch District. The proposal seeks to undertake approx. 31 m^3 of earthworks, and therefore could potentially exceed permitted volumes for the residential zone by a nominal 13 m^3.

For the purposes of this consent the following assessment specifically relates to earthworks that do not fall under the ambit of exemptions by reference to Rule 8.9.3 because it would be excavation not pursuant to a building consent. These earthworks specifically relate to the pathways and driveway. In terms of the above exemption the applicant will not commence earthworks within the footprint of the building until a building consent has been approved for the works.

The District Plan specifies earthworks volumes for each zone however, these are generic volumes and do not consider individual site variances. The volumes of earthworks proposed are typical of such development (sloping) and are not considered incongruous.

Regarding erosion, sedimentation, and dust effects the potential adverse effect of dust on the surrounding environment could include soiling of properties during the excavation, transporting and unloading of material. Dust suppression and monitoring will be undertaken, with exposed areas of earthworks via watering down and as soon as practicable. This will prevent wind erosion and dust generation. The effects of dust and erosion are temporary and can be managed in accordance with best practice. The applicant is willing to accept a condition which would require any filling and excavation shall be subject to an erosion and sediment control plan in accordance with ECan's Toolbox. Therefore, any adverse effects on the surrounding environment will be less than minor.

Whilst noise from the proposed activity being the use of machinery to excavate material may be discernible the noise effects will not be adversely increased to those which would otherwise be expected and have a less than minor and temporary impact on the environment.

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The earthworks will alter the natural drainage pattern across the site in a minor way, which in part will enable drainage to be controlled with a stormwater connection capable of managing drainage across the site. As such, the nominal amount of earthwork will not increase the risk of inundation runoff on adjoining properties not will it affect the stability of neighbouring sites or alter surface drainage paths to the detriment of adjoining land.

Any adverse effects in relation to visual amenity, privacy, outlook, or character during the construction process will be negligible given the small scale and temporary nature of the earthworks. On completion the balance of the site will be landscaped as it forms the expansion of the sculptural gardens associated with The Giant's House.

The application site is located within the Ngā Tūranga Tūpuna overlay. It is considered that the modest volumes of earthworks will not unduly compromise or diminish the cultural significance of the site or wider area. For these reasons, it is considered that the adverse effects from on-site earthworks on the environment will be less than minor and temporary.

5.7 Cultural Matters

The application site is within an area identifies as Ngai Tahu Cultural Significance – Ngā Tūranga Tūpuna in Appendix 9.5.6.

As mentioned previously, in relation to the site being subject to the Ngā Tūranga overlay clause 9.5.3g. Sub chapter 9.5 (Nga Tahu Values and the natural environment) does not contain activity specific standards in respect of sites located within the overlay, however, matters of discretion contained in Clause 9.5.5.2 are relevant. These have been discussed above. Similarly, the relevant objectives and policies for the Ngā Tūranga Tūpuna overlay are also applicable.

To mitigate any potential cultural impacts, the applicant requests Council undertake consultation with Mahaanui Kurataiao (MKT) on their behalf and offers an Accidental Discovery Protocol mechanism.

5.8 Positive Effects

The proposal will have notable positive impacts. The proposal will increase the overall sensory experience of visitors to the site, whilst increasing the efficiency of on-site operations and providing a greater level of accessibility for all. Furthermore, The Giant's House is considered a significant tourist attraction within Akaroa and will continue to have economic benefits to the district. The café/entrance building will also require additional staff, creating employment opportunities in the surrounding area. In addition to the economic contribution, The Giant's House also contributes culturally and socially to the local community.

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5.9 Effects Conclusions

This conclusion is based on an assessment of the actual and potential effects on the environment of the proposed land use activities. In summary, having regard to the potential effects it is considered that overall, the actual and potential adverse effects of the proposal are acceptable and no more than minor.

6.0 OBJECTIVES AND POLICIES

When considering an application for resource consent, pursuant to section 104(1)(b), the consent authority must, subject to Part 2, have regard to any relevant provisions of relevant planning documents.

6.1 Christchurch District Plan

The Christchurch District Plan contains a set of objectives and policies, which together provide the framework for assessment of resource consent applications as required by the Resource Management Act 1991.

In accordance with section 104(1)(b) of the Act, the application has been assessed against all the relevant objectives and policies of the District Plan these are set out in the following sections. In respect of strategic direction objectives, Chapter 3 is given effect to by the objectives and policies in the balance of the District Plan and are not relevant to individual applications as the wording is very general, accordingly the following assessment focuses on those more specific and relevant provisions per the Environment Courts guidance[4].

The preceding sections of this application have considered the relevant rules of the District Plan and the relevant assessment matters in association with the effects on the environment. This section of the application assesses the proposal in relation to the relevant objectives and policies of the District Plan.

Chapter 6 – Noise

6.1.2.1 Objective - Adverse noise effects

Adverse noise effects on the amenity values and health of people and communities are managed to levels consistent with the anticipated outcomes for the receiving environment.

6.1.2.1.1 Policy - Managing noise effects

Manage adverse noise effects by:

i. limitations on the sound level, location and duration of noisy activities;

[4] Rogers v Christchurch City Council [2019] NZ EnvC 119

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ii. requiring sound insulation for sensitive activities or limiting their location relative to activities with elevated noise levels.

The proposal offers conditions of consent to mitigate against noise effects associated with the number of visitors on site at any one time, coach arrivals and idling. This is considered a pragmatic approach to ensure levels are consistent with the anticipated outcomes for the receiving environment.

Chapter 8 – Subdivision, Development and Earthworks

Objective 8.2.4. – Earthworks

Earthworks facilitate subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district.

Objective 8.2.5. – Earthworks health and safety

People and property are protected during, and subsequent to, earthworks..

With regards to the supporting policies 8.2.4.3, 8.2.4.4 and 8.2.51 to 8.2.5.4 as detailed in preceding section 4.3 the proposal seeks to minimise any adverse environmental effects of erosion and dust on nearby residents, and to minimise the resulting discharge of sediment. Overall, earthworks proposed are a necessary and temporary component of the formation. Any long-term effects of the earthworks on the land and the surrounding environment are less than minor. Therefore, the proposal is consistent with Objectives 8.2.4 and 8.2.5 and supporting policies.

Chapter 7 – Transport

7.2.1 Objective 1- Integrated transport system

a. An integrated transport system:

i. that is accessible, affordable, resilient, safe, sustainable and efficient for people using all transport modes;

ii. that is responsive to the current recovery needs, future needs, and economic development;

iii. that supports safe, healthy and liveable communities by maximising integration with land use;

iv. that reduces dependency on private motor vehicles and promotes the use of public and active transport;

v. that is managed using the one network approach.

The transport assessment has demonstrated the proposal will not compromise the safety and efficiency of the road network. Overall, it is considered that the proposal is consistent with the Transport related objectives and policies.

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Chapter 9 – Natural and Cultural Heritage

9.3.2.1.1 Objective – Historic Heritage

The overall contribution of historic heritage to the Christchurch District's character and identity is maintained through the protection and conservation of significant historic heritage across the Christchurch District in a way which:

i. enables and supports:

A. the ongoing retention, use and adaptive re-use; and

B. the maintenance, repair, upgrade, restoration and reconstruction; of historic heritage;

Supporting policy 9.3.2.2.3 seeks to manage the effects of development on heritage items whilst undertaking a flexible approach to heritage management. The proposal will have negligible effects on the distinctive character and heritage values of the site. The contextual values that are associated with the setting will continue to be recognised and contribute and enhance the unique setting.

9.5.2.1.1 Objective – Areas and sites of Ngai Tahu cultural significance

a. The historic and contemporary relationship of Ngāi Tahu mana whenua with their ancestral lands, water, sites, wāhi tapu and other taonga is recognised and provided for in the rebuild and future development of Ōtautahi, Te Pātaka o Rākaihautū and the greater Christchurch Area.

The supporting policy 9.5.2.2.2 recognises the historic and cultural relationship of Nga Tahu within the areas identified as Ngā Tūranga Tūpuna. Policies 9.5.2.2.4 and 9.5.2.2.5 identify the requirement to avoid damage to archaeological sites and to undertake consultation with the relevant rununga when undertaking works to sites identified as Nga Tahu Cultural Significance.

The applicant has volunteered a condition of consent that will ensure an appropriate accidental discovery protocol is followed and has further requested Council undertake consultation on behalf of the applicant with the relevant rununga.

Chapter 14 – Residential

14.2.6 Objective – 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. provide for visitor accommodation accordance with Objective 14.2.9 and Policies 14.2.9.1 to 14.2.9.4; and

ii. restrict other non-residential activities unless the activity has a strategic or operational need to locate within a residential zone.

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14.2.6.1 Policy –Residential coherence, character and amenity

a. Ensure that non-residential activities do not have significant adverse effects on residential coherence, character, and amenity.

14.2.6.3 Policy - 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.

It is noted that the objectives and policies include a characterisation for the Residential Banks Peninsula Zone in Policy 14.2.1.1 Table 14.2.1.1a outlined as followed:

"The zone includes the settlements of Lyttelton and Akaroa which each have a distinctive urban character. … Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings and well-treed properties. Akaroa is a focal point for visitors to the region and the district. … Non-residential activities that are not compatible with the character of the Residential Banks Peninsula Zone are controlled in order to mitigate adverse effects on the character and amenity of the area."

The above objective recognises that while ensuring residential activities remain the dominant activity, there is also the need in some cases for non-residential activities. Clause (ii) goes on to restrict "other" non-residential activities unless they have a strategic or operational need to locate in a residential area. It is considered the term "unless" in the above sub clause seeks to restrict non-residential activities, unless provided for in the policies. Objective 14.2.6 is implemented through a series of policies which provide for particular areas and or activities. Supporting policies 14.2.6.1 and 14.2.6.3 are considered relevant.

Policy 14.2.6.1 seeks to ensure "*that non-residential activities do not have significant adverse effects on residential coherence, character, and amenity*"

Policy 14.2.6.3 relates to existing non-residential activities which seeks to *"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.*

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The above enables the expansion of non–residential activities within residential zones provided these activities maintain the amenity values and character of the residential environment, nor impede residential development with the zone.

The proposal seeks to enhance the overall experience of an established internationally recognised tourist attraction within the Akaroa District. It is acknowledged that the proposal is unique and seeks to expand what is fundamentally a commercial activity further into the residential environment. The proposal does not impede residential development within the zone with the site being able to revert to residential use upon cessation.

In terms of maintaining amenity values and the character of the residential environment this is finely balance. The site has a limited frontage length with much of the activity being the sculptural gardens extending towards the rear of the site and the café adjacent the southern boundary furthest from the road frontage. Owing the sites topography which slopes upwards from street level the views of the site will be for a limited extent owing to intervening buildings and landscaping and maintains an expanse of openness. The entrance building however, is located adjacent Rue Balguerie and is purposely sculptural. The juxtaposition of this building within the residentially dominated surrounds whilst not characteristically residential does not unduly compromise the residential character of the site or surrounds.

As mentioned in the previous sections, it is considered that effects on the amenity by expanding the existing activity can adequately be managed through appropriate conditions of consent.

Conclusion with respect to Objectives and Policies of the Christchurch District Plan

For the reasons discussed above, it is considered that the proposal will not give rise to adverse effects which would be no more than minor. Whilst the proposal is not entirely consistent with the above policy direction it is not contrary to these.

7.0 RELEVANT OTHER MATTERS

7.1 Mitigation Measures

Based on the assessment of effects in the previous section, no mitigation measures are considered necessary for this proposal, beyond those already discussed in the assessment of effects.

7.2 Consideration of Alternatives

The preceding assessment of effects shows that the proposal will not have any significant adverse effects on the environment. Therefore, an assessment of alternatives is not required.

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8.0 RESOURCE MANAGEMENT ACT 1991

8.1 Part 2 Matters

Part 2 of the Act "Purpose and Principles" comprises sections 5 to 8.

Section 5 sets out the Act's purpose as follows:

> *1) The overall purpose of the Act is to promote the sustainable management of natural and physical resources.*
> *2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -*
> *a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
> *b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and;*
> *c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In turn, sections 6 to 8 set out 'principles' relating to:

- Matters of National Importance (s6)
- Other Matters (s7)
- Treaty of Waitangi (s8)

The recent Court of Appeal decision in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 confirms that RMA decision makers should usually consider Part 2 when making decisions on resource consents (that is the implication of the words "subject to Part 2" in section 104). However, where the relevant plan provisions have clearly given effect to Part 2, there may be no need to do so as it "would not add anything to the evaluative exercise". It would be inconsistent with the scheme of the RMA to override those plan provisions through recourse to Part 2. In other words, "genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome".

The District Plan has a robust set of objectives, policies, rules, and associated standards which seek to ensure that social, economic, and environmental change resulting from land use in residential zones, including the subject site, is managed in a way that encourages positive growth. In short, the relevant District Plan provisions are comprehensive, robust, and fully aligned with Part 2 obligations.

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Consequently, in assessing and deciding the application for the proposal, I consider that recourse to Part 2 would not add anything to the evaluative exercise.

However, for completeness I consider that the application is consistent with Part 2, and that the following aspects of Part 2 are relevant:

- the section 5 direction to enable people and communities to provide for their wellbeing, while avoiding, remedying, or mitigating adverse effects.
- the section 7 direction to recognise and provide for.
  - the protection of historic heritage from inappropriate subdivision, use, and development (s 6 (f)).
- the section 7 direction to have particular regard to.
  - the efficient use and development of natural and physical resources (s 7(b)).
  - the maintenance and enhancement of amenity values (s 7(c)).
  - maintenance and enhancement of the quality of the environment (s 7(f)).
  - any finite characteristics of natural and physical resources (s 7(g)).

8.2 Notification – Sections 95A to 95E

Section 95A of the RMA states that a consent authority must publicly notify an application if:

- The council decides under Section 95D that the activity will have or is likely to have adverse effects on the environment that are more than minor; or
- If the applicant requests it; or
- If a rule or national environmental standard requires it; or
- There are special circumstances in relation to the application that warrant the application being publicly notified. Foodstuffs request the application be publicly notified.

The Commissioner's decision in respect to the notification of the application under RMA/2020/2000 decided that the effects on the wider environment are more than minor and the application therefore requires public notification. As such, the applicant requests public notification.

8.3 Section 104 – Consideration of Applications

Section 104 of the Resource Management Act 1991 sets out those matters that must be considered in assessing an application for resource consent. Subject to Part II of the Act, Section 104(1) requires a consent authority to have regard to:

a) any actual and potential effects on the environment of allowing the activity;

ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

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b) any relevant provisions of-

i) a national environmental standard

ii) other regulations

iii) a national policy statement

iv) a New Zealand coastal policy statement

v) a regional policy statement or proposed regional policy statement

vi) a plan or proposed plan; and

c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application for resource consent, pursuant to section 104(1)(b)(vi), the consent authority must, subject to Part 2, have regard to any relevant objectives, policies, and other provisions of the District Plan. The proposal is consistent with the relevant objectives, policies and assessment matters which essentially seek to maintain or enhance the amenities of the built environment.

8.4 Section 104B – Discretionary Activity

Section 104B of the Act sets out the matters to be considered when determining decisions on resource consent applications for a discretionary activity.

It states that a consent authority may:

a) grant or refuse the application; and

b) if it grants the application, may impose conditions under section 108.

This application is for a discretionary land use activity under the District Plan. In this instance, it is considered that the matters of discretion have been sufficiently addressed and the effects have been found to be less than minor. Council must therefore grant consent with any appropriate conditions.

9.0 CONCLUSION

Section 104 of the Resource Management Act 1991 sets out the matters to be considered when assessing an application for resource consent. These matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the proposal is consistent with the provisions of the Plan. In terms of section 104, the proposal will be consistent with the relevant provisions of the District Plan and will have actual or potential effects on the environment which are acceptable and consistent with the environmental outcomes envisaged by the relevant statutory planning framework.

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The proposal seeks to consent to establish a café, entrance building and expand the landscape and sculptural gardens into the site at 74 Rue Balguerie in conjunction with the existing house and mosaic gardens. The proposal is consistent with the purpose and principles of the Resource Management Act 1991 in that it enables people to provide for their economic and social well-being, whilst maintaining and enhancing the quality and amenity of the local environment and avoiding adverse effects.

The relevant provisions of Part 2 of the Resource Management Act 1991 have been satisfied as it is considered that the proposed activity is consistent with the purpose of the Act, promoting sustainable management of natural and physical resources. Accordingly, it is concluded that the Council should grant consent subject to appropriate conditions in accordance with sections 104, and 104B and Part 2 of the Act.

This application may not be read or reproduced except in its entirety.

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier **42103**

Land Registration District **Canterbury**

Date Issued 14 November 2002

Prior References

CB39B/159 CB41C/41 CB786/35

Estate Fee Simple

Area 1587 square metres more or less

Legal Description Lot 1 Deposited Plan 310720

Registered Owners

Josanne Elizabeth Martin, Larissa Elizabeth Josanne Jay, Simon Philip Jay and Glenn Neill Hansen

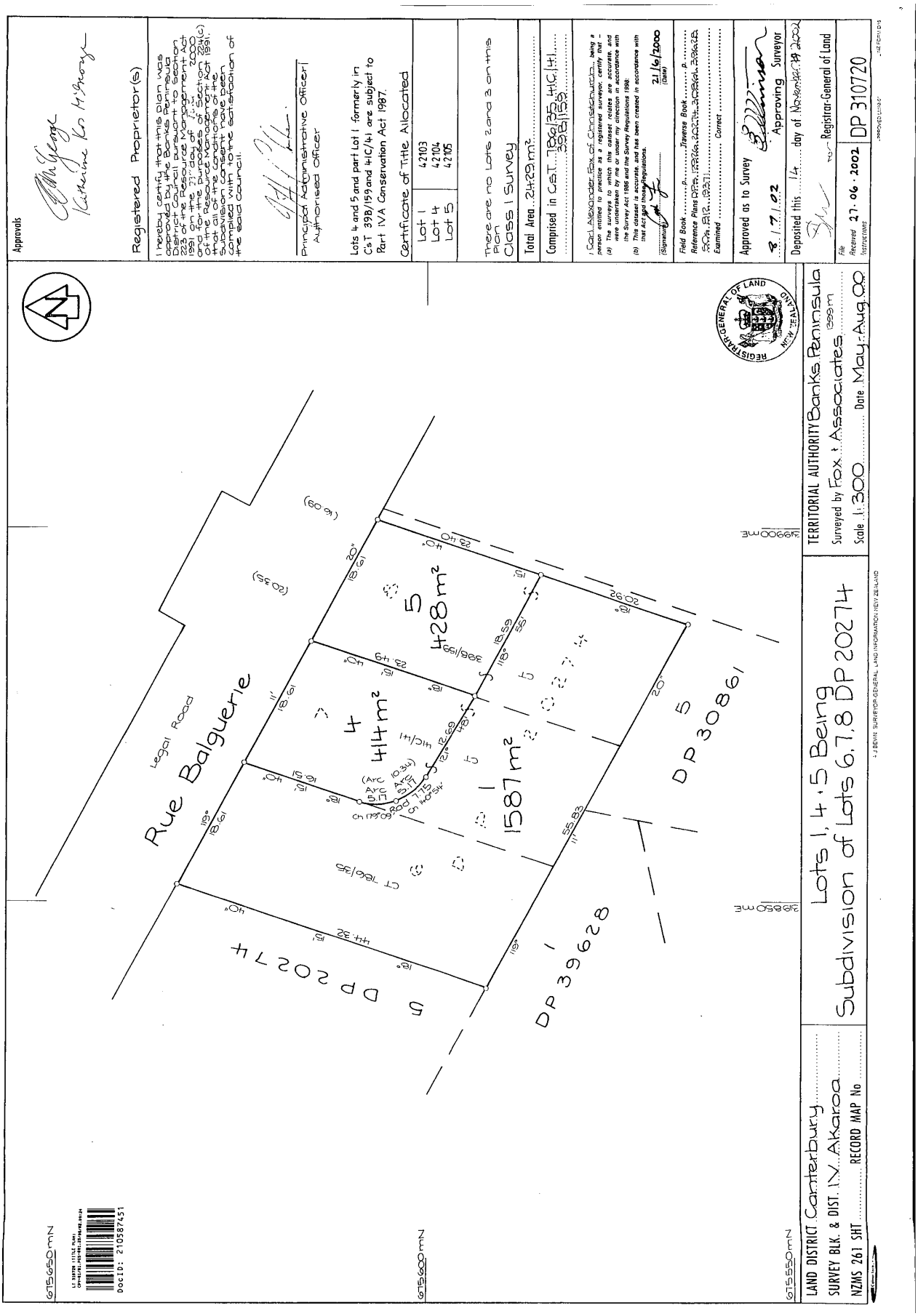
---

Interests

Subject to Part IV A Conservation Act 1987 (affects part formerly in CB39B/159 and CB41C/41)

Subject to Section 11 Crown Minerals Act 1991 (affects part formerly in CB39B/159 and CB41C/41)

Fencing Covenant in Transfer A207126.2 - 27.11.1995 (affects part formerly in CB41C/41)


Approvals
Registered Proprietor(s)
I hereby certify that this plan was approved by the Selwyn District Council pursuant to Section 223 of the Resource Management Act 1991 on the 21st day of June 2000 and for the purposes of Section 224(c) that all of the conditions of the subdivision consent have been complied with to the satisfaction of the said council.
Principal Administrative Officer
Authorised Officer
Lots 4 and 5 and part Lot 1 formerly in C&T 39B/159 and 41C/141 are subject to Part IVA Conservation Act 1987.
Certificate of Title Allocated
Lot 1 42103
Lot 4 42104
Lot 5 42105
There are no Lots 2 and 3 on this plan
Class I Survey
Total Area 2429 m²
Comprised in C&T 39B/135, 41C/141, 39B/159
I, Carl Alexander Fox of Christchurch being a person entitled to practice as a registered surveyor certify that –
(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1998.
(b) The survey to which this dataset relates is accurate, and has been carried out in accordance with that Act and those Regulations.
Signature 21/6/2000 (Date)
Field Book p. Traverse Book p.
Reference Plans DP 30861, 39628, 20274, 3B/135, 41C/141, 39B/159
Examined Correct
Approved as to Survey 3.7.02 Approving Surveyor
Deposited this 14 day of November 2002
File Received 27.06.2002 Instructions
Registrar-General of Land
DP 310720
TERRITORIAL AUTHORITY Banks Peninsula
Surveyed by Fox & Associates 1999
Scale 1:300 Date May-Aug 00
LAND DISTRICT Canterbury
SURVEY BLK. & DIST. IV Akaroa
NZMS 261 SHT RECORD MAP No
Lots 1, 4, 5 Being Subdivision of Lots 6, 7, 8 DP 20274
Rue Balguerie
Legal Road
DP 20274
DP 39628
DP 30861
1587 m²
414 m²
428 m²
CT 39B/135
CT 39B/159
41C/141
REGISTRAR-GENERAL OF LAND NEW ZEALAND
5756500mN
5756600mN
5756550mN
5398000E
5398030E
Doc ID: 2105874S1

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**CB32B/457**
Land Registration District	**Canterbury**
Date Issued	31 July 1989

Prior References
CB20A/907 CB20A/908

Estate	Fee Simple
Area	2317 square metres more or less
Legal Description	Lot 2 Deposited Plan 53338 and Lot 1 Deposited Plan 39628

Registered Owners
Josanne Elizabeth Martin, Larissa Elizabeth Josanne Jay, Simon Philip Jay and Glenn Neill Hansen

Interests

566849 Transfer creating the following easements

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 1 Deposited Plan 39628 - herein	Part herein	Lot 3 Deposited Plan 20274 - CT CB1B/433	
Right of way	Lot 3 Deposited Plan 20274 - CT CB1B/433	Yellow DP 20274	part formerly Lot 4 DP 20274 - herein	

Land Covenant in Transfer 960727 (affects Lot 2 DP 53338)

232192.3 Transfer creating the following easements

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way, right to convey water, electric power and telephonic communications and right to drain water and sewage	Lot 1 Deposited Plan 53338 - CT CB32B/458	A DP 53338	part formerly Lot 2 DP 39628 - herein	
Right of way, right to convey water, electric power and telephonic communications and right to drain water and sewage	Lot 1 Deposited Plan 53338 - CT CB32B/458	D DP 53338	part formerly Lot 2 DP 39628 - herein	

Land Covenant in Transfer 815711.3 (affects Lot 2 DP 53338)

Land Covenant in Transfer 232192.3 (affects Lot 2 DP 53338)

258357.4 Easement Certificate specifying the following easement

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Drain water	Lot 1 Deposited Plan 39628 - herein	Part herein	Lot 1 Deposited Plan 53338 - CT CB32B/458	

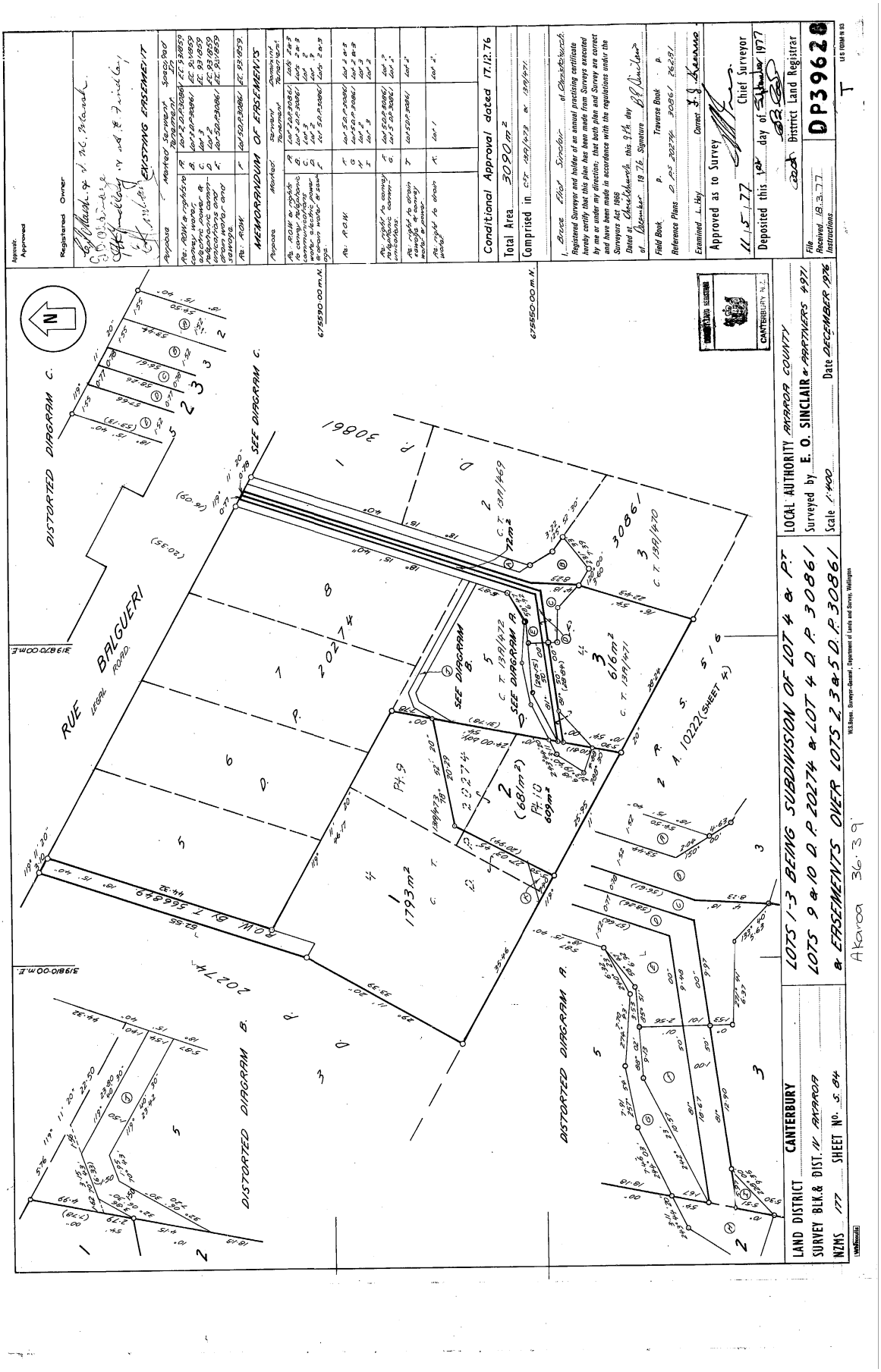
Subject to Section 308 (4) Local Government Act 1974

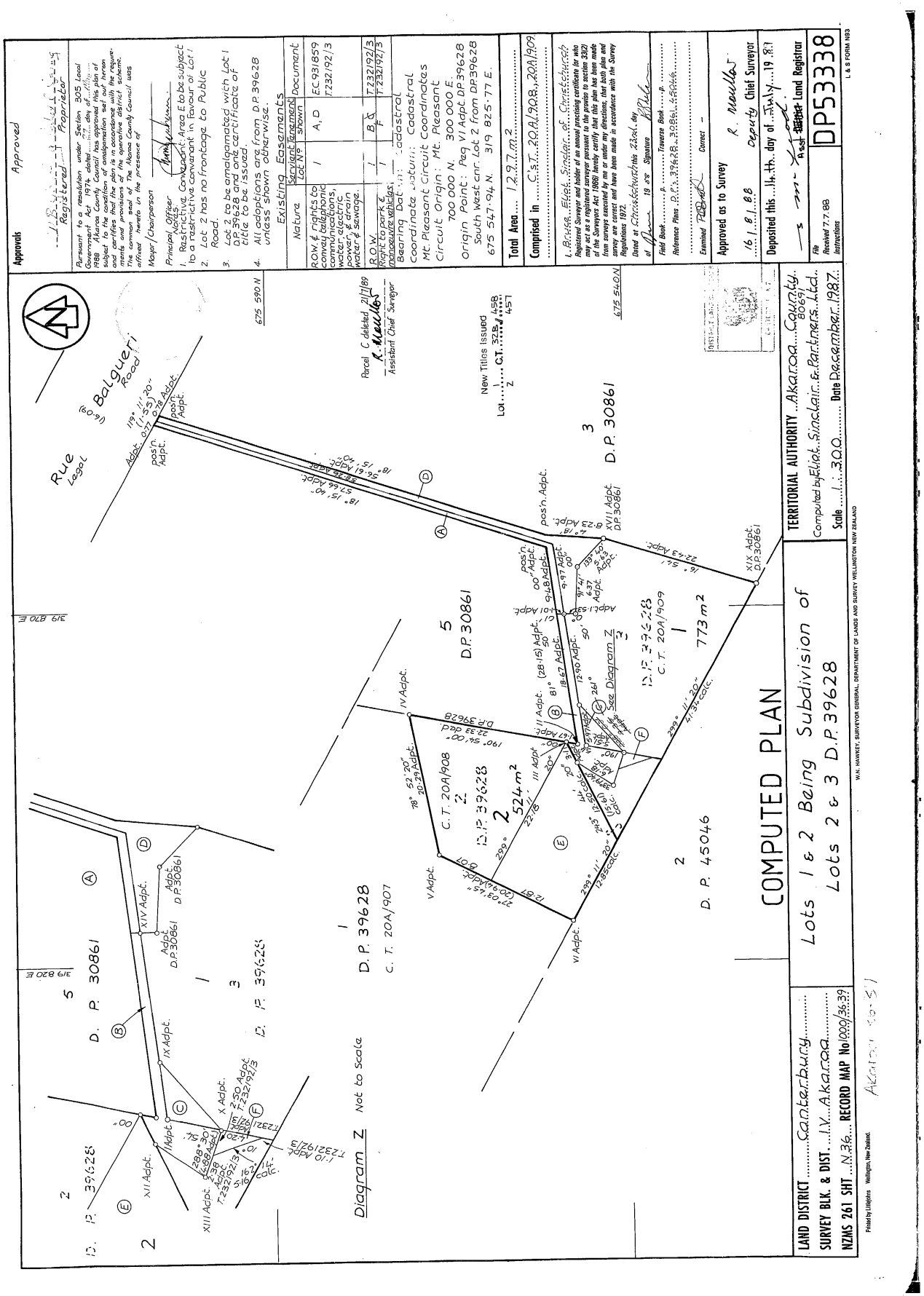
232192.5 Transfer creating the following easements - 26.6.1979 at 9:48 am

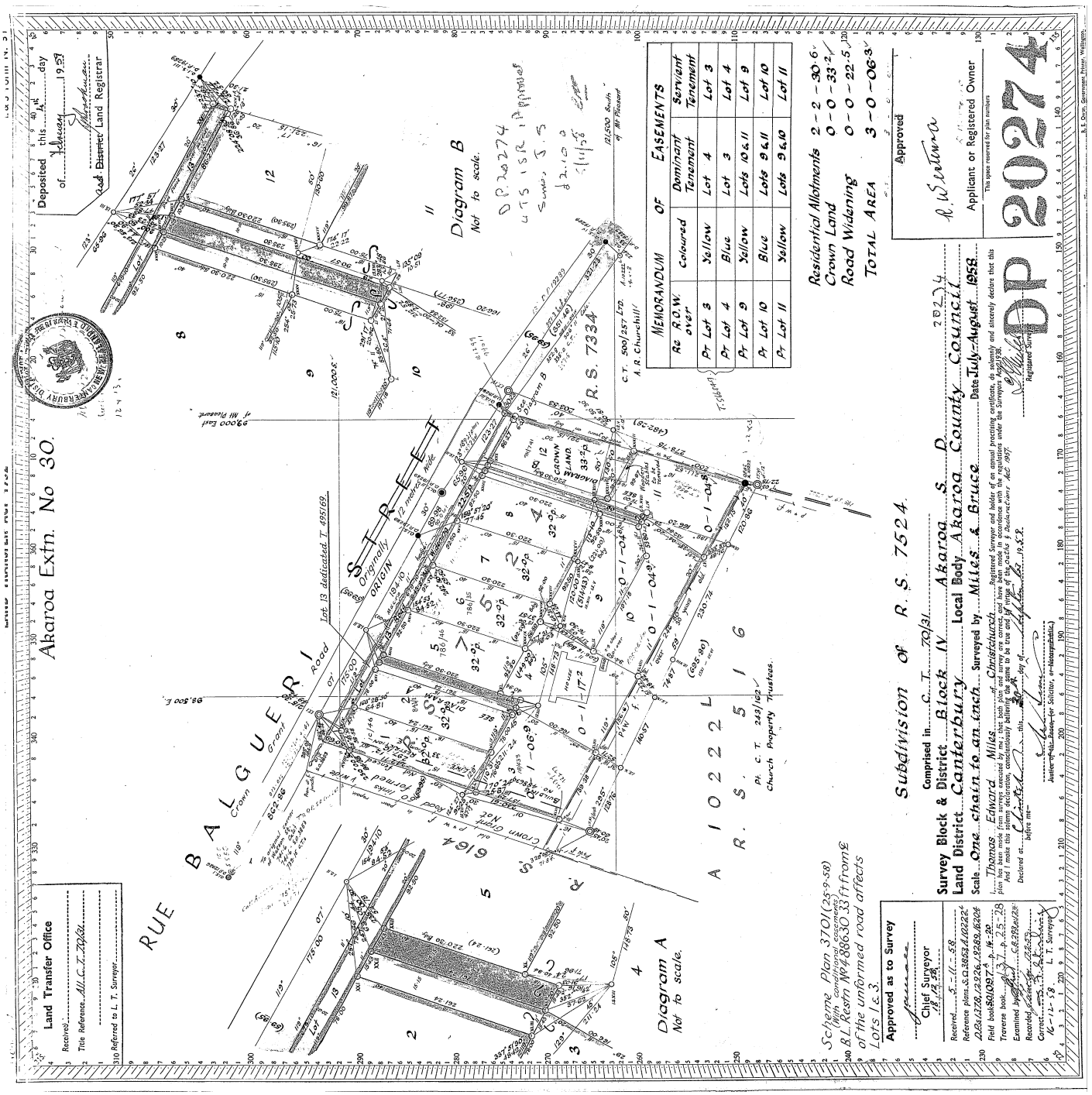
Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way, rights to convey telephonic communications, water and electric power and drain water and sewage	Lot 5 Deposited Plan 30861 - CT CB13A/472	E DP 39628	Lot 2 Deposited Plan 53338 - herein	
Right of way and rights to convey telephonic communications	Lot 5 Deposited Plan 30861 - CT CB13A/472	F & G DP 39628	Lot 2 Deposited Plan 53338 - herein	
Drain sewage and to convey water and power	Lot 5 Deposited Plan 30861 - CT CB13A/472	J DP 39628	Lot 2 Deposited Plan 53338 - herein	

232192.6 Transfer creating the following easement

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way, right to drain water and sewage and to convey water, electric power and telephonic communications	Lot 2 Deposited Plan 30861 - CT CB13A/469	A DP 39628	Lot 2 Deposited Plan 53338 - herein	


LOTS 1-3 BEING SUBDIVISION OF LOT 4 & P.T. LOTS 9 & 10 D.P. 20274 & LOT 4 D.P. 30861 & EASEMENTS OVER LOTS 2 3 & 4 50 D.P. 30861
LAND DISTRICT CANTERBURY
SURVEY BLK. & DIST. IN AKAROA
NZMS 177 SHEET No. S. 84
LOCAL AUTHORITY AKAROA COUNTY
Surveyed by E. O. SINCLAIR & PARTNERS 1971
Scale 1:400 Date DECEMBER 1976
Approved as to Survey 17.5.77 Chief Surveyor
Deposited this 1st day of September 1977
District Land Registrar
File DP 39628
Received 18.3.77
Instructions
Conditional Approval dated 17.12.76
Total Area 3050 m2
Comprised in C.T. 139/469 & 139/470
I, Bruce Eliot Sinclair of Christchurch, Registered Surveyor and holder of an annual practising certificate hereby certify that this plan has been made from Surveys executed by me or under my direction; that both plan and Survey are correct and have been made in accordance with the regulations under the Surveyors Act 1966
Dated at Christchurch this 9th day of December 19 76. Signature
Field Book p. Traverse Book p.
Reference Plans D.P.S 20274 30861 26281
Examined L. Hay Correct
MEMORANDUM OF EASEMENTS
Purpose Manner of Servient Tenement Dominant Tenement
Re: ROW & rights to convey electric power & telephonic communications over wires & cables
Re: ROW
Re: right to drain water
Re: right to convey water
Re: ROW
DISTORTED DIAGRAM C.
DISTORTED DIAGRAM B.
DISTORTED DIAGRAM A.
SEE DIAGRAM A.
SEE DIAGRAM B.
SEE DIAGRAM C.
RUE BALGUERI
LEGAL ROAD
ROW BY T 566849
5198170.00 M.E.
5198010.00 M.E.
6725590.00 M.N.
6725550.00 M.N.
Akaroa 36.39

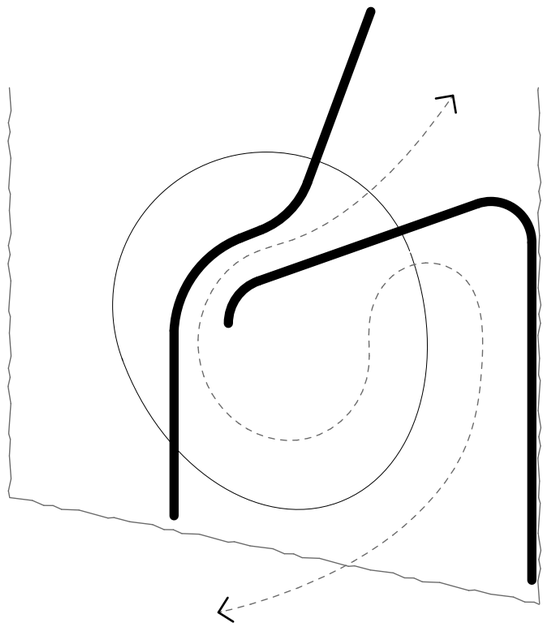

Approvals
Approved
Registered
Proprietor
Pursuant to a resolution under Section 305 Local Government Act 1974 dated ... day of ... 1988 Akaroa County Council has approved the deposit of this plan of amalgamation and certifies that the requirements and provisions of the operative district scheme. The common seal of The Akaroa County Council was affixed hereto in the presence of
Mayor/Chairperson
Principal Officer
1. Restrictive Convenant: Area E to be subject to a restrictive convenant in favour of Lot 1
2. Lot 2 has no frontage to Public Road.
3. Lot 2 to be amalgamated with Lot 1 D.P.39628 and one certificate of title to be issued.
4. All adoptions are from D.P.39628 unless shown otherwise.
Existing Easements
Nature
Servient Tenement Lot N°
Benefited Tenement shown
Document
ROW & rights to convey telephonic communications, electric power & drain water & sewage.
1
A, D
EC 931859
T232/92/3
R.O.W
Right to park & manoeuvre vehicles
1
B & F
T232/92/3
T232/92/3
Bearing Datum: Cadastral
Cadastral coordinate datum: Mt Pleasant Circuit Coordinates
Mt Pleasant Circuit Origin: 700 000 N. 300 000 E.
Origin Point: Peg VI Adpt. DP 39628
South west cnr. Lot 2 from DP39628
675 547·94 N. 319 825·77 E.
Total Area ... 1297 m2
Comprised in ... C.T. 20A/908 & 20A/909
I, Patricia Elliot Sinclair of Christchurch Registered Surveyor and holder of an annual practising certificate in terms of the Surveyors Act 1908 hereby certify that the survey on which this plan has been made was carried out by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972.
Dated at Christchurch this 23rd. day of March 19 88 Signature
Field Book ... p. ... Traverse Book ... p. ...
Reference Plans D.P.'s 39628, 30861 & 45046
Examined P.D.M. Correct -
Approved as to Survey
16.1.81.88
R. Moulds Deputy Chief Surveyor
Deposited this 14th day of July 19 81
Assistant Land Registrar
File
Received 7.7.88
Instructions
DP53338
L & S FORM N83
New Titles Issued
Lot ... C.T. 328/458, 457
2
COMPUTED PLAN
Lots 1 & 2 Being Subdivision of Lots 2 & 3 D.P. 39628
TERRITORIAL AUTHORITY ... Akaroa County. 80691
Computed by Eliot Sinclair & Partners Ltd.
Scale ... 1:300 ... Date December 1987
LAND DISTRICT ... Canterbury
SURVEY BLK. & DIST. ... IX ... Akaroa
NZMS 261 SHT ... N36 ... RECORD MAP No 1000/36.39
W.N. HAWKEY, SURVEYOR GENERAL, DEPARTMENT OF LANDS AND SURVEY WELLINGTON NEW ZEALAND
Printed by Litholiths Wellington, New Zealand.
Diagram Z Not to Scale
Rue Legoc
Balgueri Road
D. P. 30861
D. P. 39628
C. T. 20A/907
C. T. 20A/908
C. T. 20A/909
D.P. 30861
D.P. 45046
524m2
773m2
319 820 E
675 590 N
675 540 N


DP 20274
Akaroa Extn. No 30.
Subdivision of R.S. 7524.
Scheme Plan 3701 (25-9-58)
(With conditional easements)
& L. Resm № 488630.3 affecting
of the unformed road affects
Lots 1 & 3.
Diagram A
Not to scale.
Diagram B
Not to scale.
RUE BALGUERIE
Crown Grant
Originally
Lot 13 dedicated T. 495/69
Church Property Trustees.
Pt. C.T. 243/162
R.S. 7334
C.T. 500/257 Ltd.
A.R. Churchill
Land Transfer Office
Received
Title Reference All C.T. 702/31
Referred to L.T. Surveyor
Deposited this day of 19
2nd District Land Registrar
Approved as to Survey
Chief Surveyor
Received
Reference plans
Field books
Traverse book
Examined by
Recorded by
Correct
L.T. Surveyor
Comprised in C.T. 702/31
Survey Block & District Block IV Akaroa S.D.
Land District Canterbury Local Body Akaroa County Council
Scale One chain to an inch Surveyed by Miles & Bruce Date July-August 1958
I, Thomas Edward Miles of Christchurch, Registered Surveyor and holder of an annual practising certificate, do solemnly and sincerely declare that this plan has been made from surveys executed by me, that both plan and survey are correct, and have been made in accordance with the regulations under the Surveyors Act 1938.
And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Oaths & Declarations Act 1957.
Declared at Christchurch this 30th day of July 1958 before me
Justice of the Peace or Solicitor, or Notary Public
Registered Surveyor
MEMORANDUM OF EASEMENTS
Re R.O.W. over | Coloured | Dominant Tenement | Servient Tenement
Pt Lot 3 | Yellow | Lot 4 | Lot 3
Pt Lot 4 | Blue | Lot 3 | Lot 4
Pt Lot 9 | Yellow | Lots 10 & 11 | Lot 9
Pt Lot 10 | Blue | Lots 9 & 11 | Lot 10
Pt Lot 11 | Yellow | Lots 9 & 10 | Lot 11
Residential Allotments 2-2-30.6
Crown Land 0-0-33.2
Road Widening 0-0-22.5
TOTAL AREA 3-0-06.3
Approved
Applicant or Registered Owner
This space reserved for plan numbers

74 RUE BALGUERIE

JOSIE MARTIN | THE GIANT'S HOUSE

AQA alessandro quadrelli architetto



THE PROPOSED VISITOR CENTRE HAS BEEN DESIGNED TO PROVIDE A NEW ENTRY AND FRONTAGE TO THE SUCCESSFUL ART GARDEN OF THE GIANT'S HOUSE, AND PROVIDE IMPROVED ACCESS-ABILITY.

THE PLAN OF THE BUILDING IS DESIGNED AROUND THE SHAPE OF AN EGG, WHICH IS A RECURRENT SYMBOL IN JOSIE'S WORK, REPRESENTING UNITY AND COLLECTIVENESS; AN EXAMPLE IS THE WHITE EGG SCULPTURE DEDICATED TO THE 9-11 EVENTS, SITTING BY THE CURRENT ACCESS POINT.

THE SIMPLE SHAPE WAS ALSO ELECTED, AS IT PROVIDES THE BASIS FOR THE BUILDING TO BETTER RESPOND TO ITS FUNCTIONAL BRIEF REQUIREMENTS.
THE CURVED LINES DEFINE THE DIRECTION OF THE FLOW OF VISITORS WALKING THROUGH THE INTERNAL SPACE. THIS REVOLVES AROUND A PIVOTAL RECEPTION DESK, COMPRESSING AND EXPANDING DEPENDING ON PROGRAM, TO ALLOCATE EXPOSITORS DESKS AND SHELVES FOR THOSE WHO WANT TO TAKE HOME SOME OF JOSIE'S WORK. THE BUILDING ALLOWS A NUMBER OF PEOPLE TO APPROACH THE DESK AND QUEUE IN FRONT OF IT, WHILE OTHERS, IN THE OTHER DIRECTION MIGHT WANT TO SLOW DOWN AND PURCHASE A SOUVENIR. THE WESTERN OUTDOOR ENTRY COURTYARD, DEFINED BY THE NON-BARYCENTRIC LOCATION OF THE BUILDING, SERVES THE SAME PURPOSE: EXPANDING THE LENGTH BETWEEN THE ROAD KERB AND THE ACTUAL ENTRY POINT, SO THAT THE ACCESS CAN BE PART OF THE WALKING EXPERIENCE THAT THE VISITOR WILL FIND ON THE OTHER SIDE, WHILE PROVIDING EXTRA QUEUING SPACE.

FOLLOWING THE CONCEPT OF A DIRECT REPRESENTATION OF A FLOW OF PEOPLE, THE BUILDING DEVELOPS AS A SPIRAL, THAT ASCENDS TOWARD THE HILL TO TAKE THE VISITOR TO THE RIGHT ALTITUDE TO ACCESS THE OUTDOOR GARDEN . THE SPIRAL FURTHER ACCENTUATES THE TRANSITIONAL NATURE OF THE SPACES, AND PROVIDES AN EXTRA-DIMENSION TO THE INDOOR EXPERIENCE, IN THE INTENT TO GIVE THE VISITORS THE FEELING THAT THEY ARE NOT INSIDE A BUILDING BUT THEY ALREADY STARTED THEIR JOURNEY IN THE ARTIST'S OUTDOOR MAGICAL WORLD.

MATERIALS AND STRUCTURE STRATEGIES ARE DESIGNED TO CONTRIBUTE AND ENHANCE THE EFFECT OF BEING IN AN ORGANIC NATURAL PLACE. THE PRESENCE OF TIMBER IS STRONG, AND THE ROOF REPRESENTS A COLLECTION OF BRANCHES DEPARTING FROM A CENTRAL TRUNK. THIS FORMS THE SHAPE OF THE CANOPY OF A WILLOW, WHICH PROTECTS THE VISITOR FROM ABOVE, AND GENERATES THE GLAZED FACADE BY FALLING DOWN AT ITS EDGES.

74 RUE BALGUERIE

JOSIE MARTIN | THE GIANT'S HOUSE

VIEW FROM STREET

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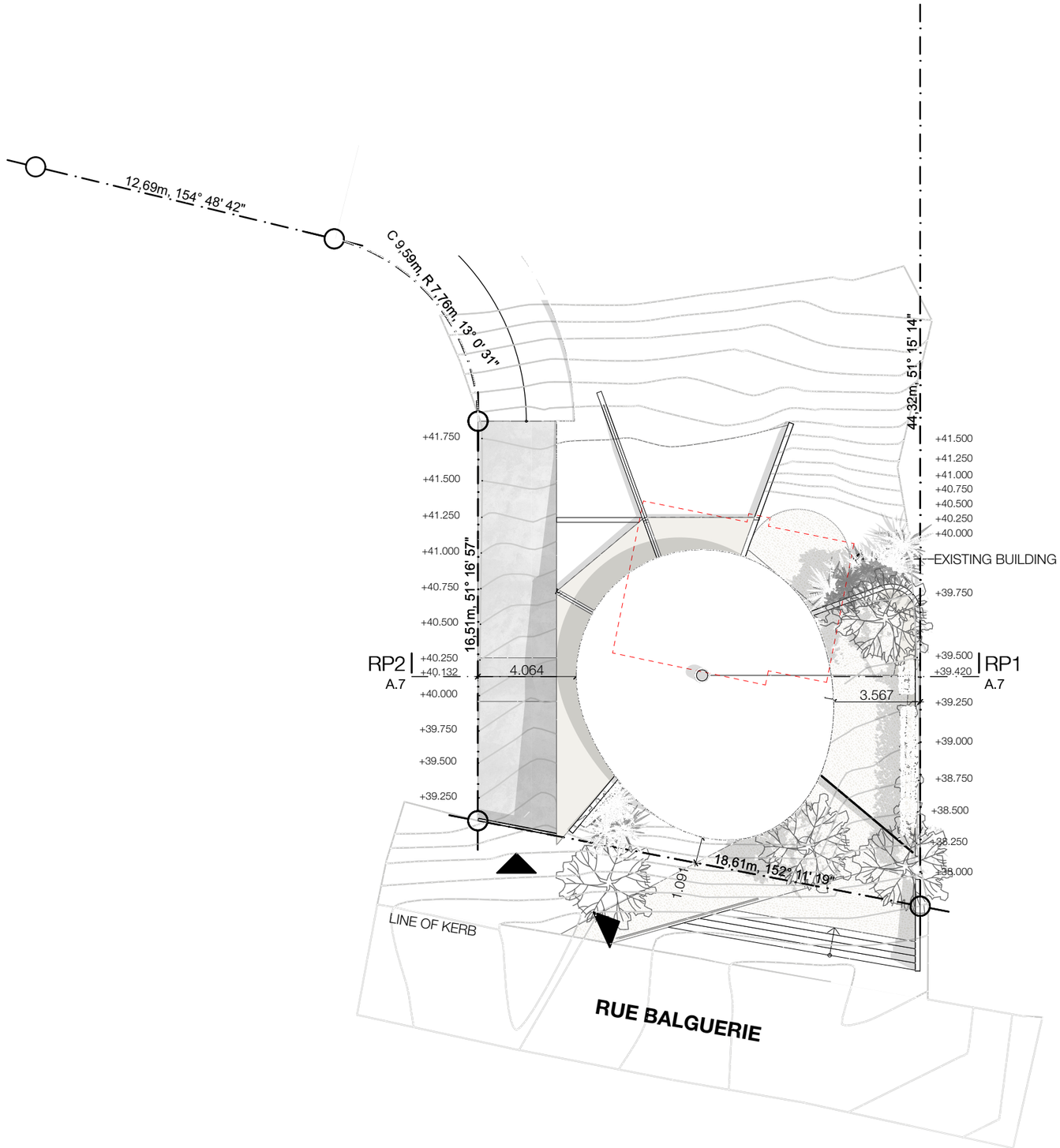
DESIGN AQ
DRAW AQ
SCALE @ A3
DATE 31/08/2020

A.1

alessandro quadrelli architetto
AQA LTD.
021 040 9176
INFO @ AQA.CO.NZ
AQA.CO.NZ



74 RUE BALGUERIE

JOSIE MARTIN | THE GIANT'S HOUSE

SITE PLAN

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DESIGN AQ
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SCALE 1:1, 1:200 @ A3
DATE 31/08/2020

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A.2

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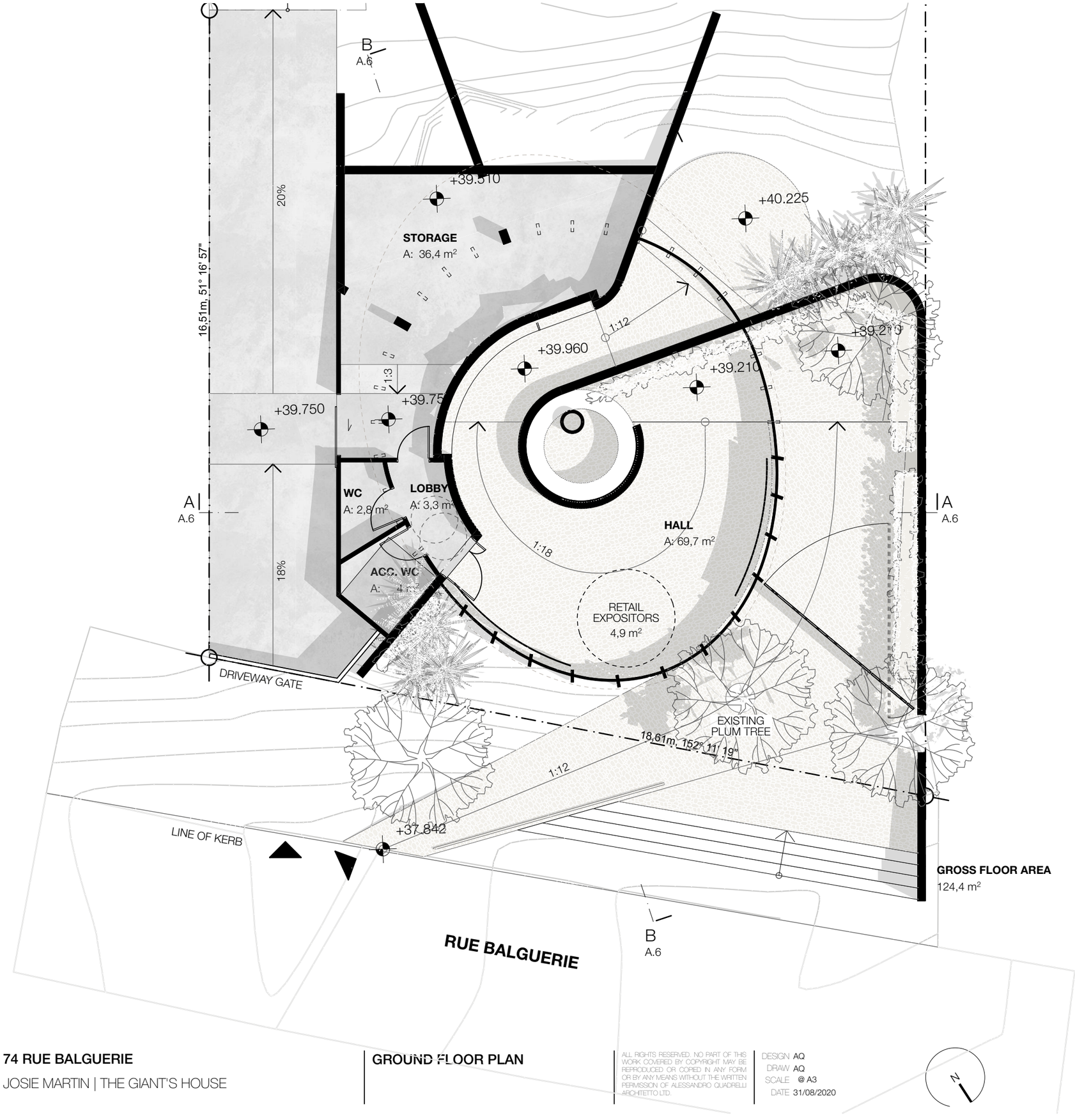

GROSS FLOOR AREA
124,4 m²

74 RUE BALGUERIE
JOSIE MARTIN | THE GIANT'S HOUSE

GROUND FLOOR PLAN

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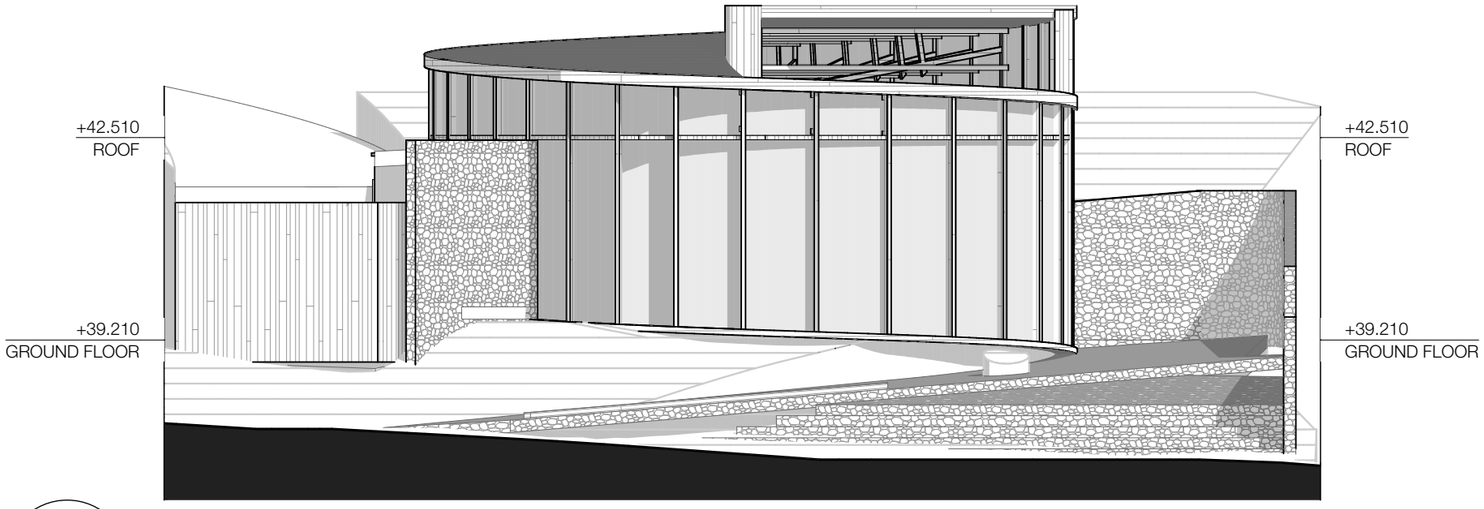
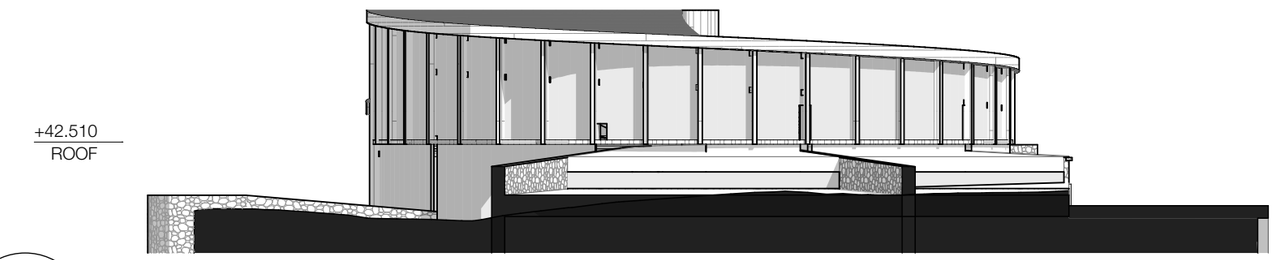


NORTH ELEVATION
SCALE:



SOUTH ELEVATION
SCALE:

74 RUE BALGUERIE

JOSIE MARTIN | THE GIANT'S HOUSE

ELEVATIONS

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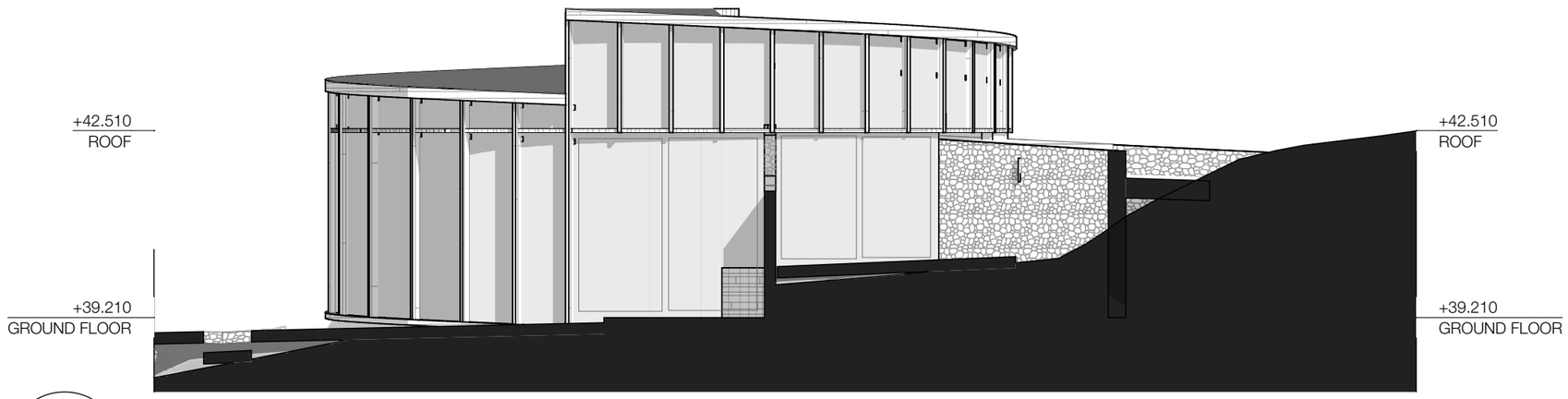
EAST ELEVATION

SCALE:



WEST ELEVATION

SCALE:

74 RUE BALGUERIE

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ELEVATIONS

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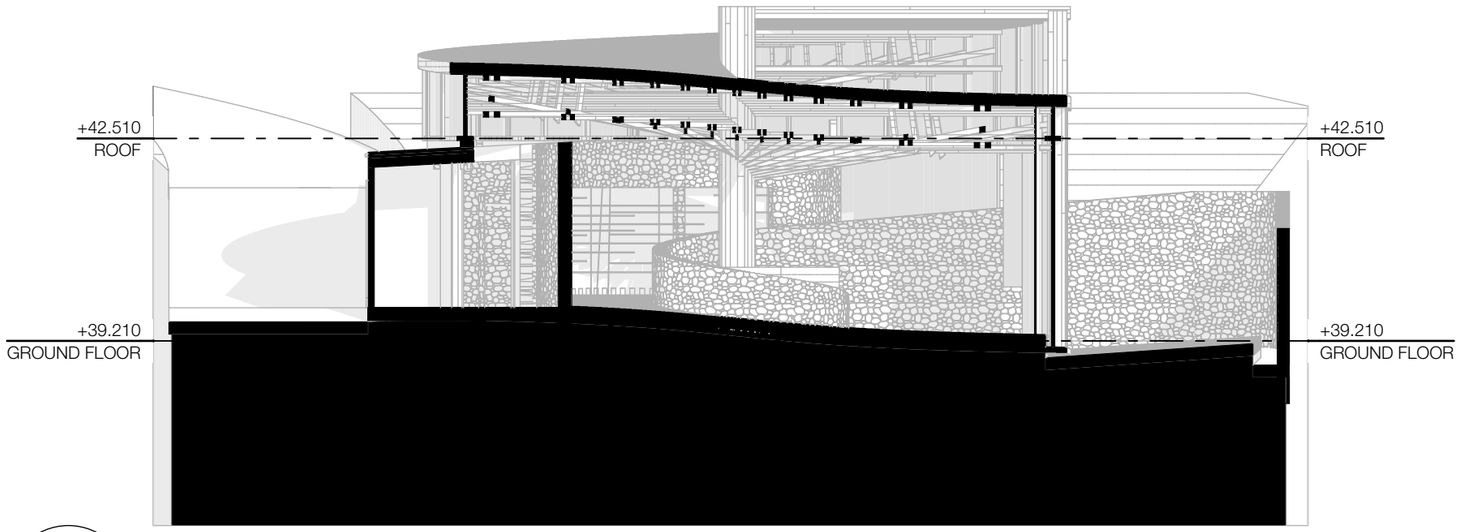

SECTION A
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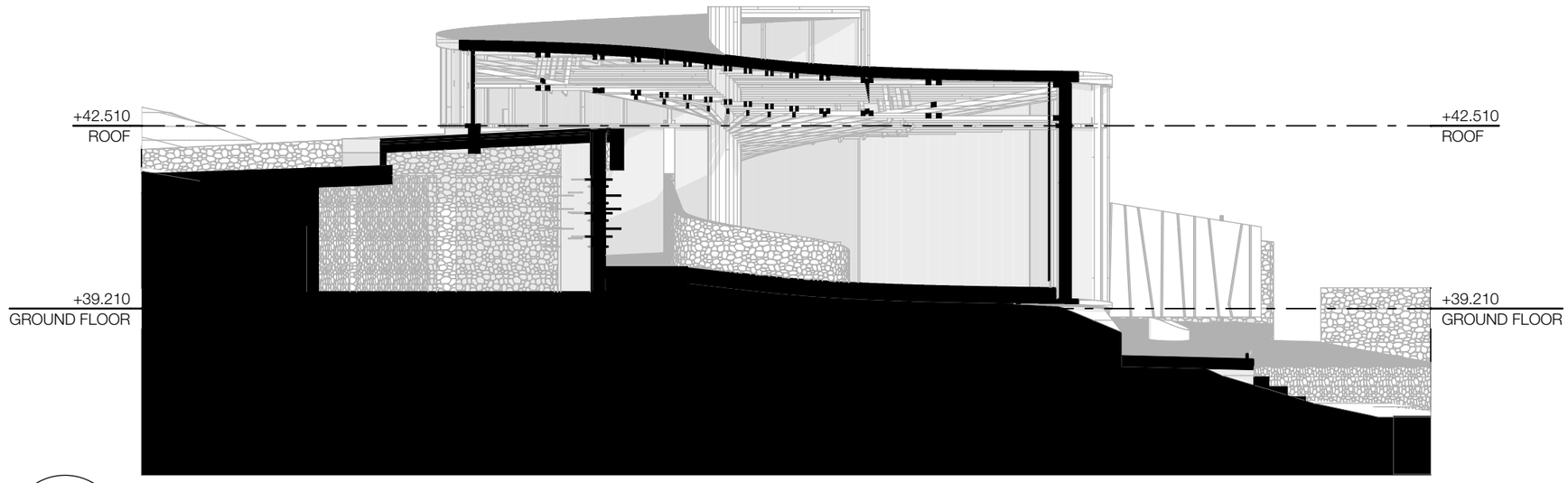

SECTION B
SCALE:

74 RUE BALGUERIE

JOSIE MARTIN | THE GIANT'S HOUSE

SECTIONS

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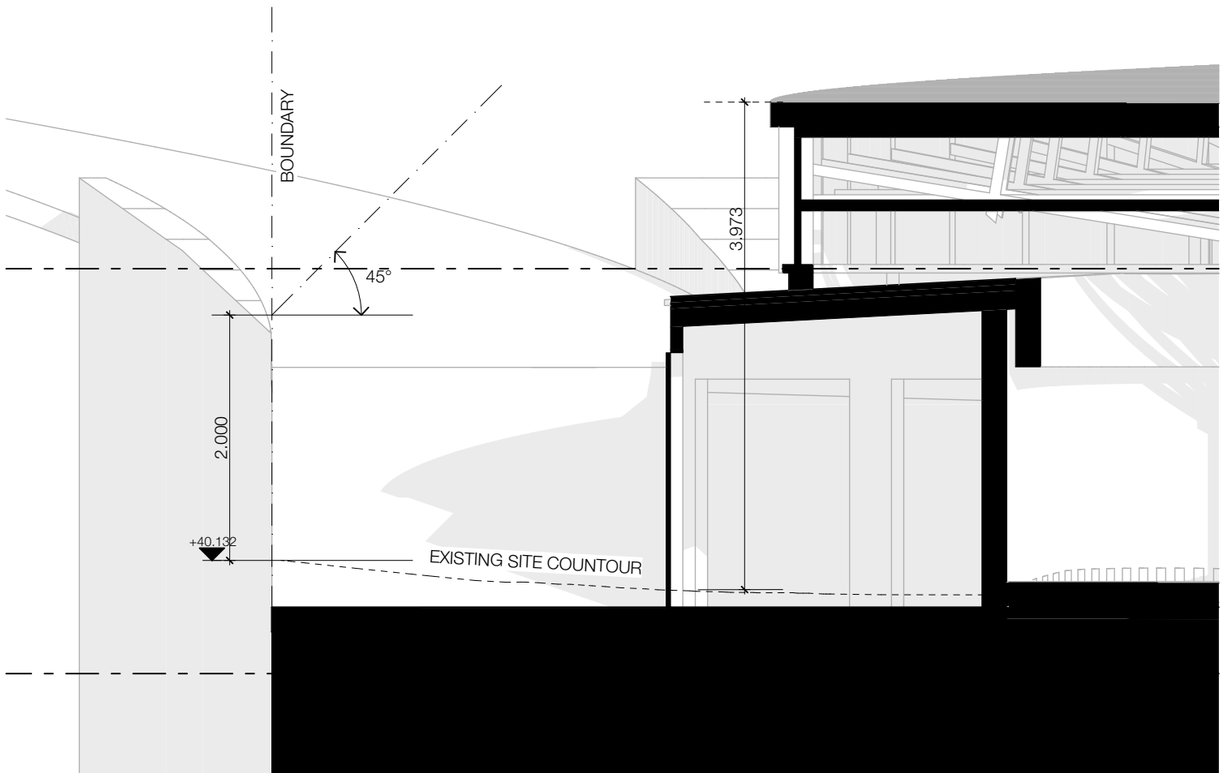
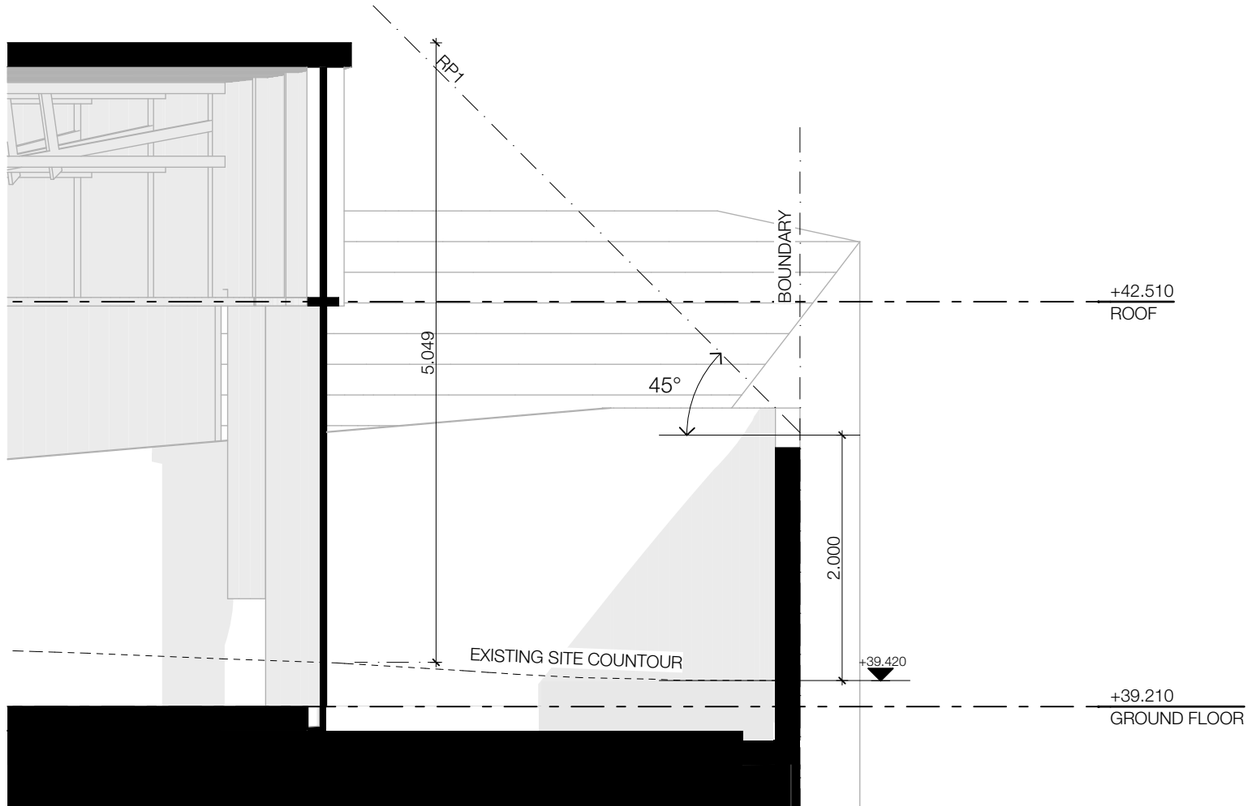
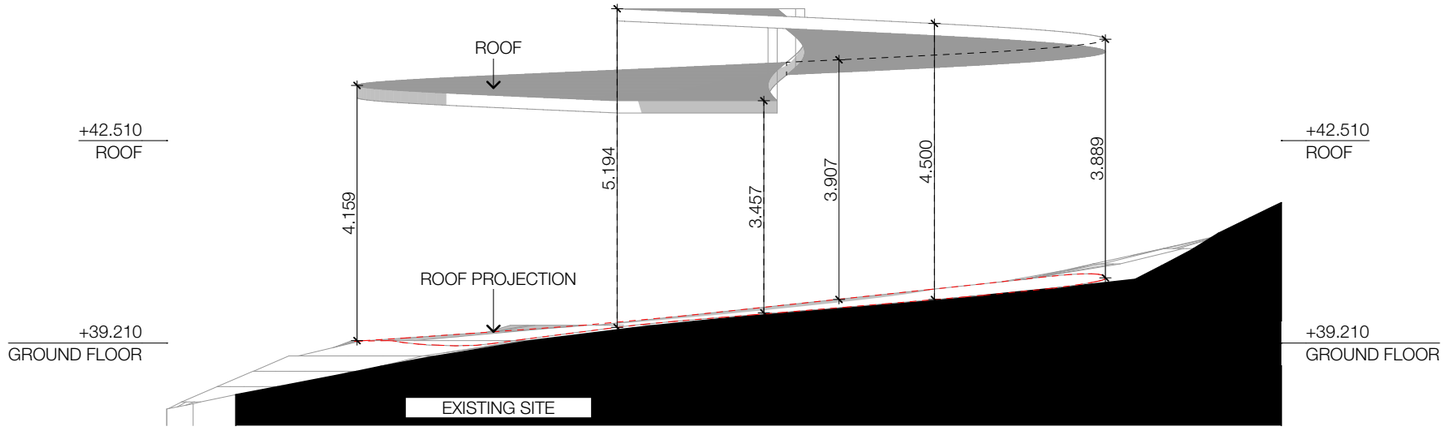


RECESSION PLANE 02
SCALE:



RECESSION PLANE 01
SCALE:



HEIGHTS DIAGRAM
SCALE:

74 RUE BALGUERIE

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HEIGHTS AND RECESSION PLANES

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74 RUE BALGUERIE

JOSIE MARTIN | THE GIANT'S HOUSE

HALL VIEW

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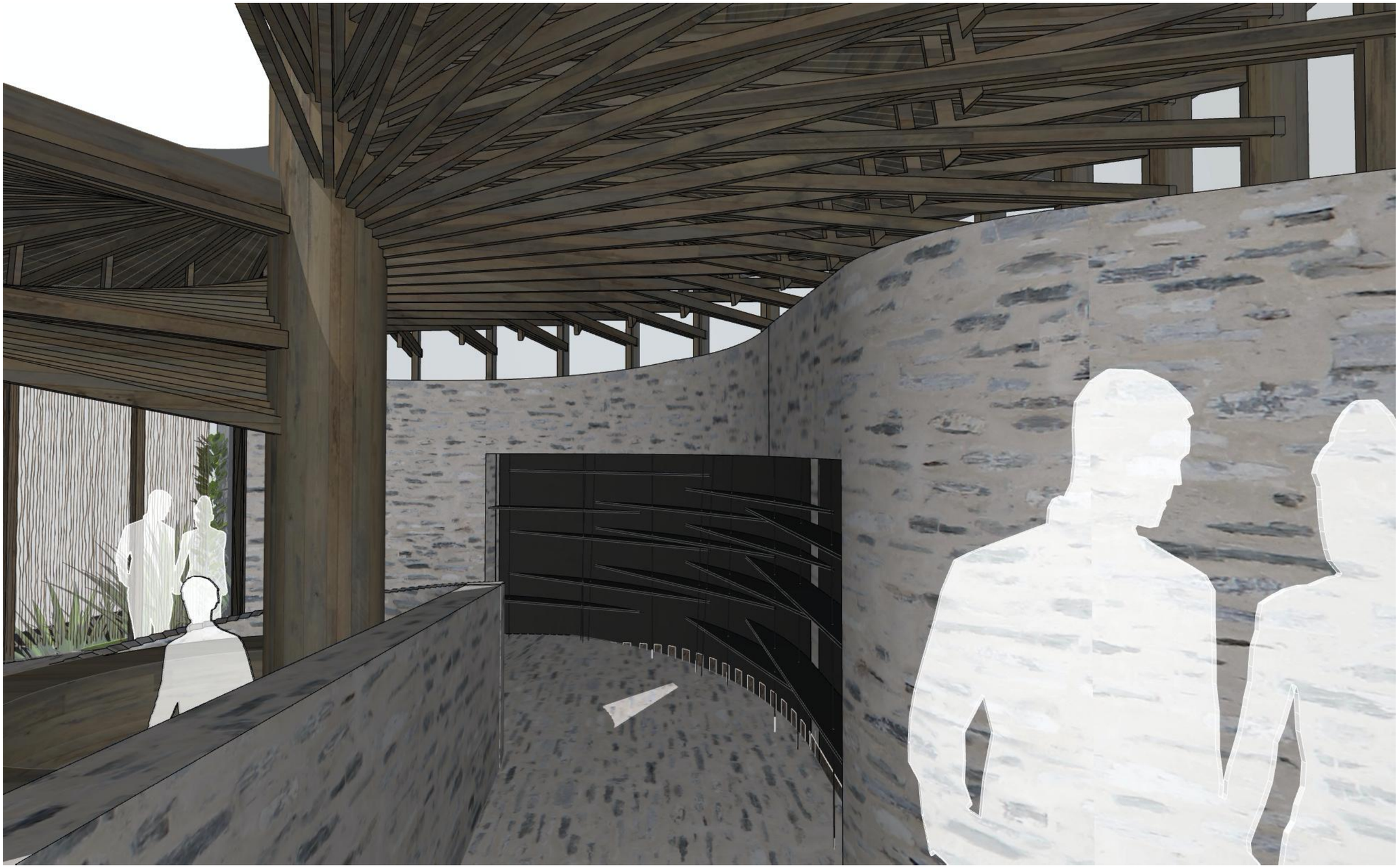

74 RUE BALGUERIE

JOSIE MARTIN | THE GIANT'S HOUSE

HALL VIEW

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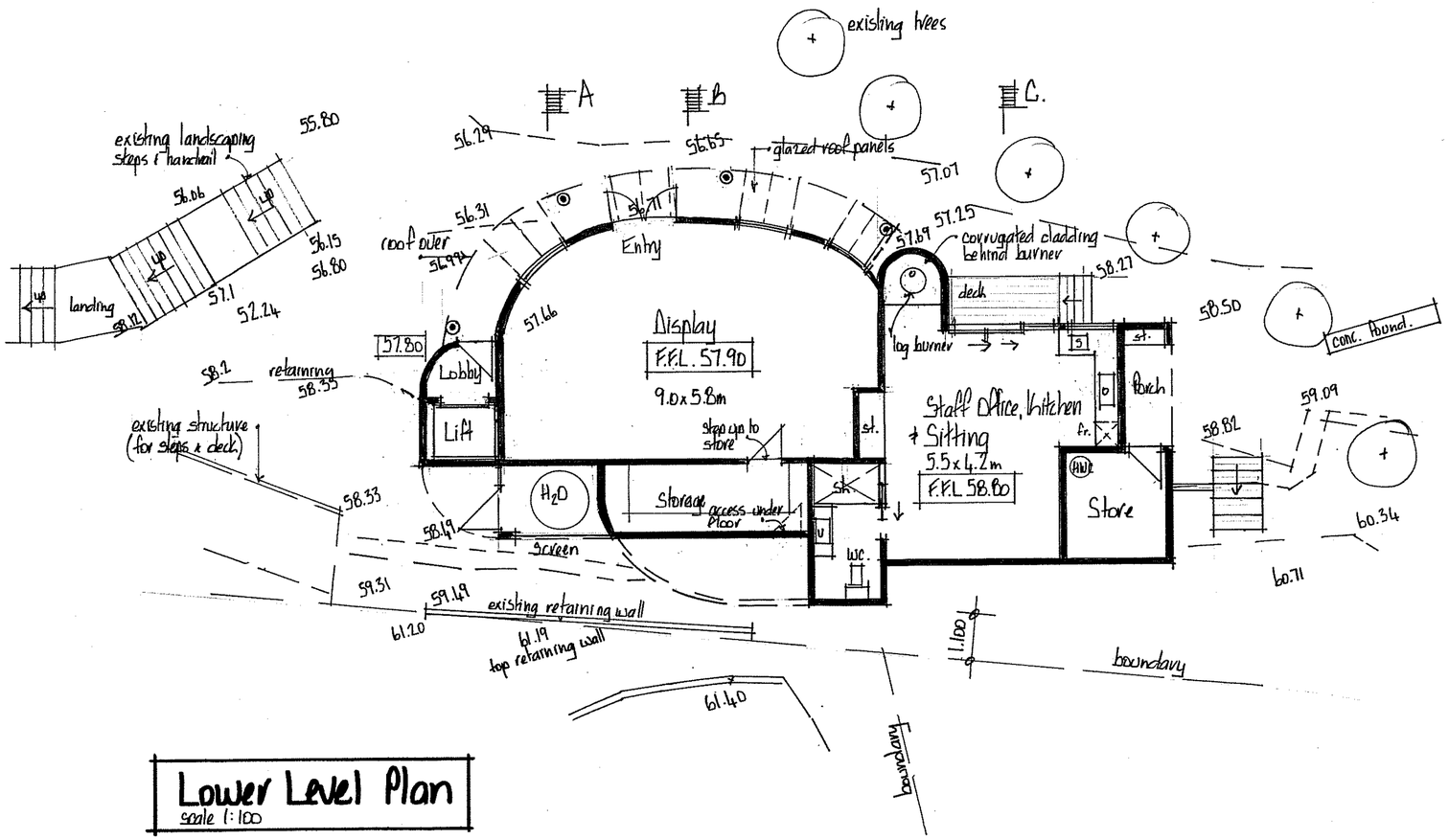
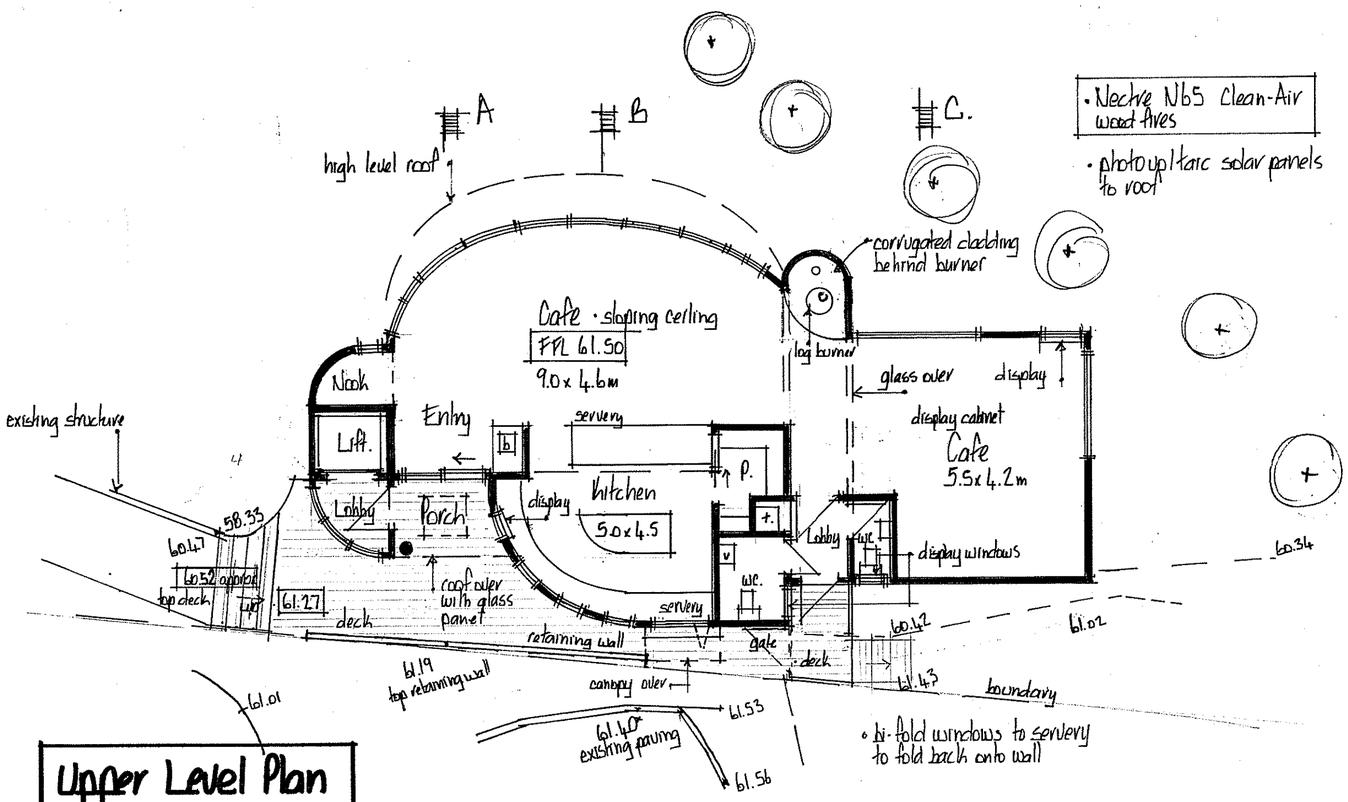


Lower Level Plan

scale 1:100



Upper Level Plan

- Nectre N65 Clean-Air wood fires
- photovoltaic solar panels to roof

- bi-fold windows to servery to fold back onto wall

North

Floor Areas	
Lower Level	96m² (excludes storage)
Upper Level	115m²
• porches + verandah	24m²

CAFE AT GIANTS HOUSE

at 74 Rue Balguerie. Akaroa

for Josie Martin

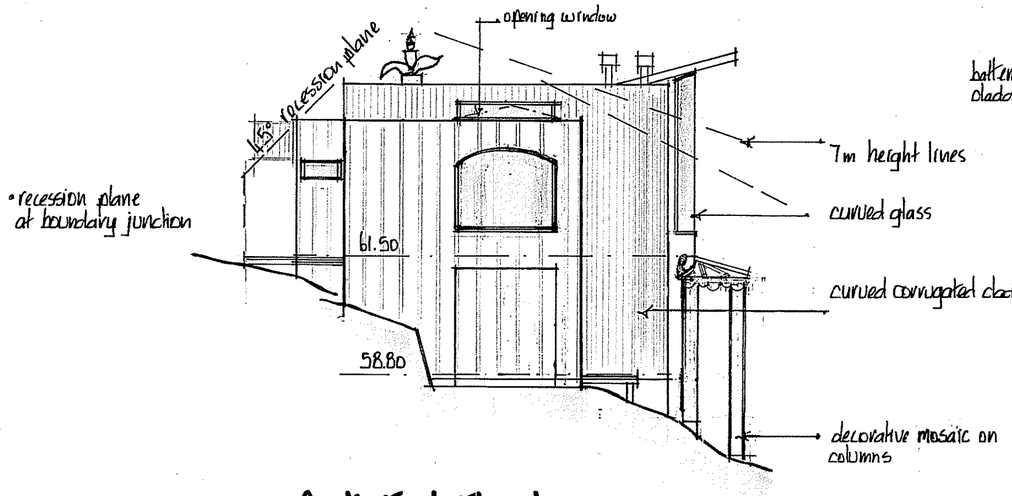
Design + Drawing
Seebeck Design Group Ltd
NZCID (arch) AMNZ
IBA St James Ave, Chch
Phone 3928 771

revised March '22

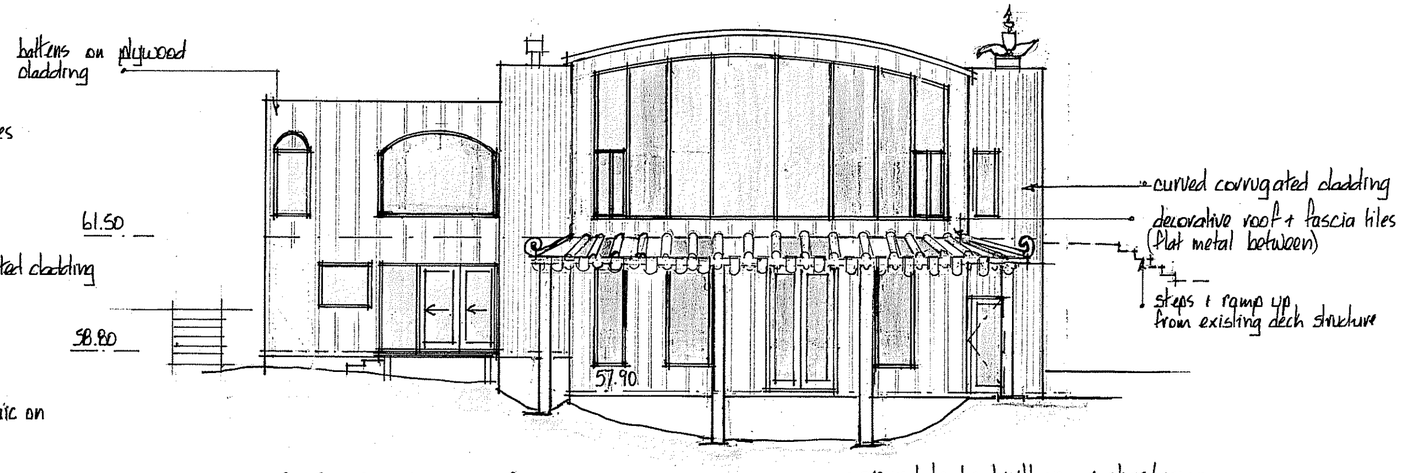
Date · Nov '21

Scales · 1:100

Sheet N° ·A2

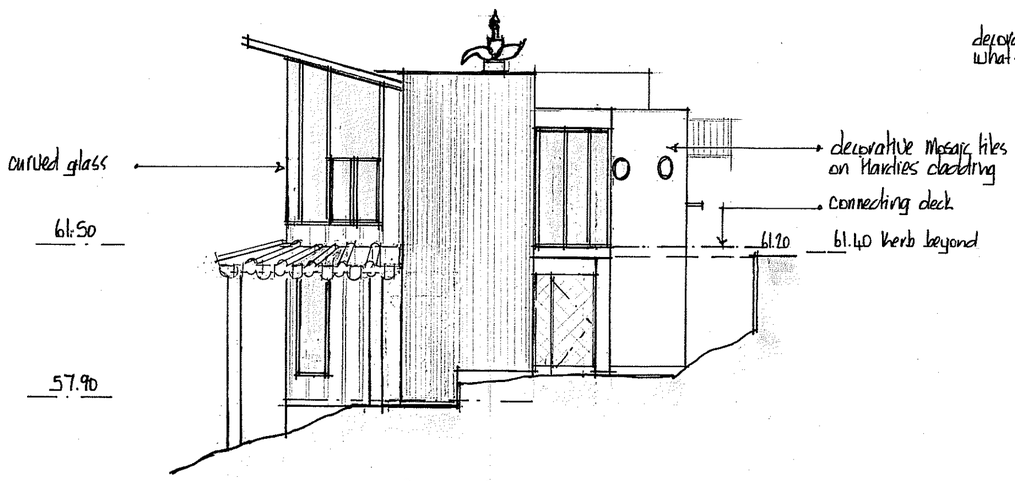


South East Elevation
Scale 1:100

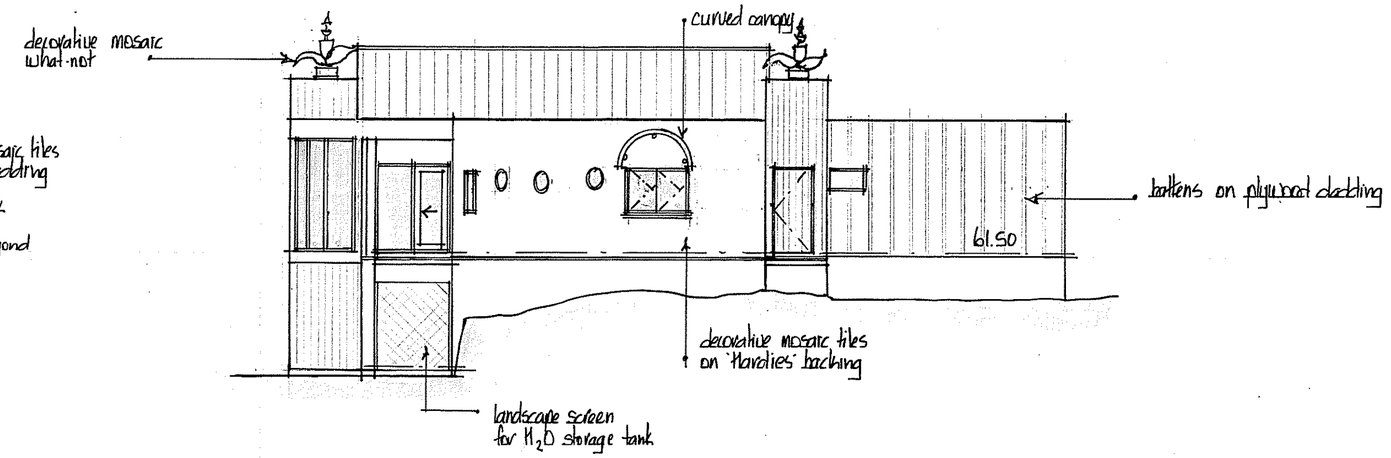


North East Elevation

- ground to be built up or steps/ramp to provide access to doors (part of landscape design by others)



North West Elevation



South West Elevation

CAFE AT GIANTS HOUSE

revised March '22
Date: Nov '21
Scales: 1:100
Sheet N°
A2

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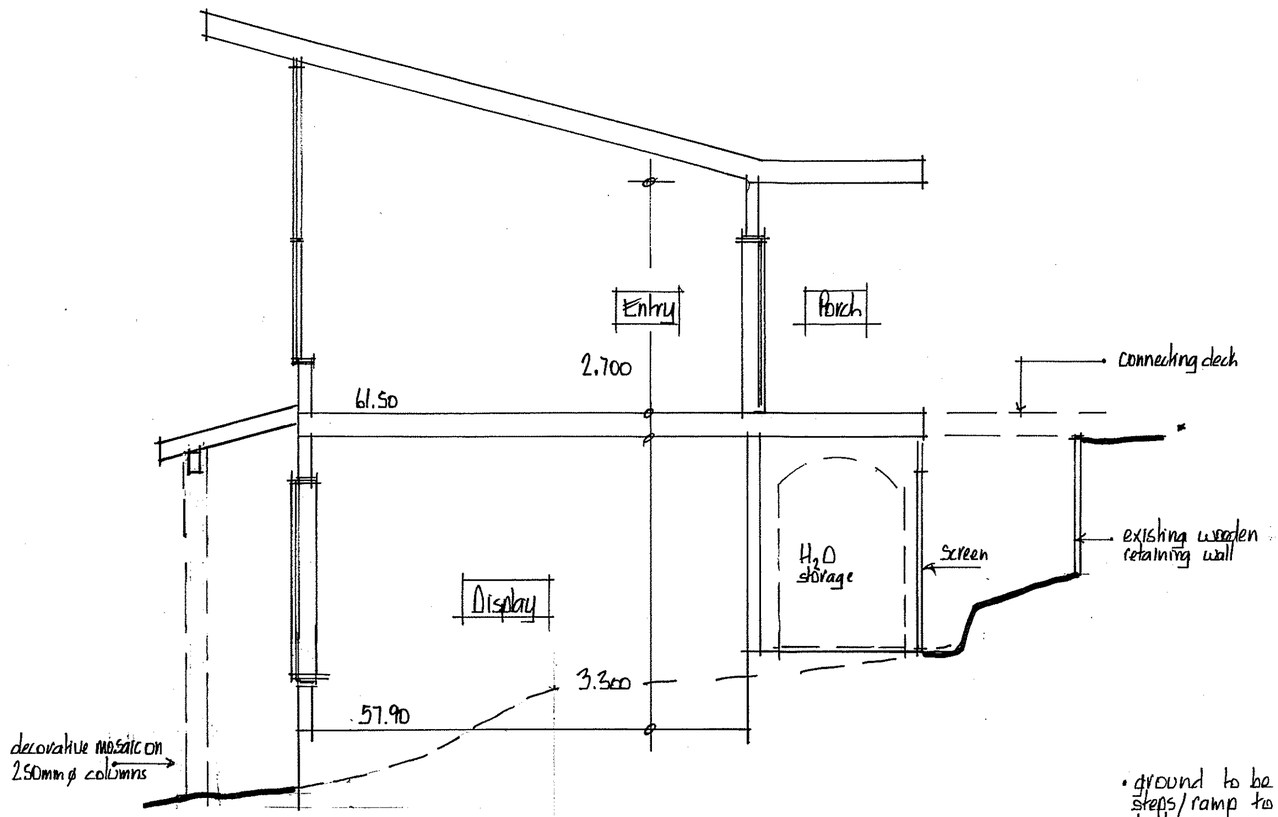
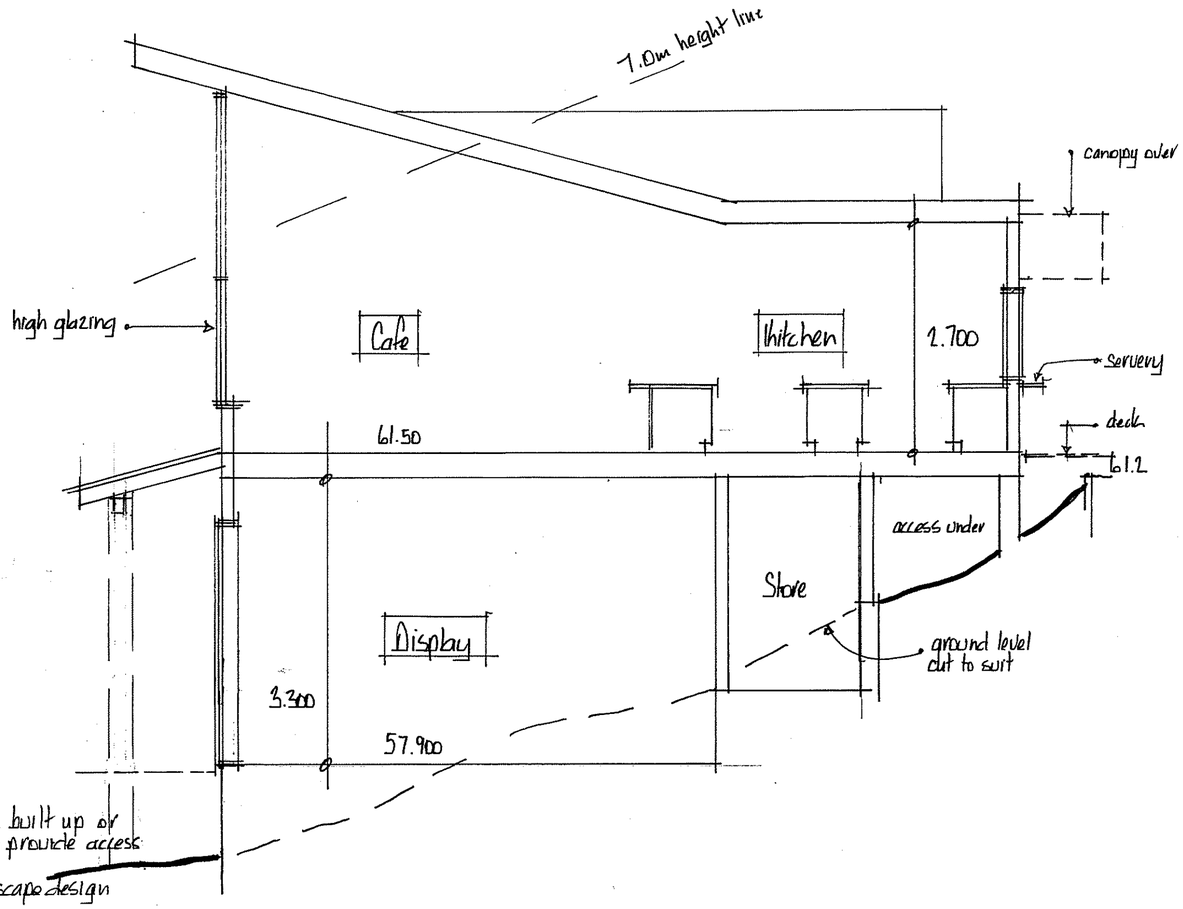
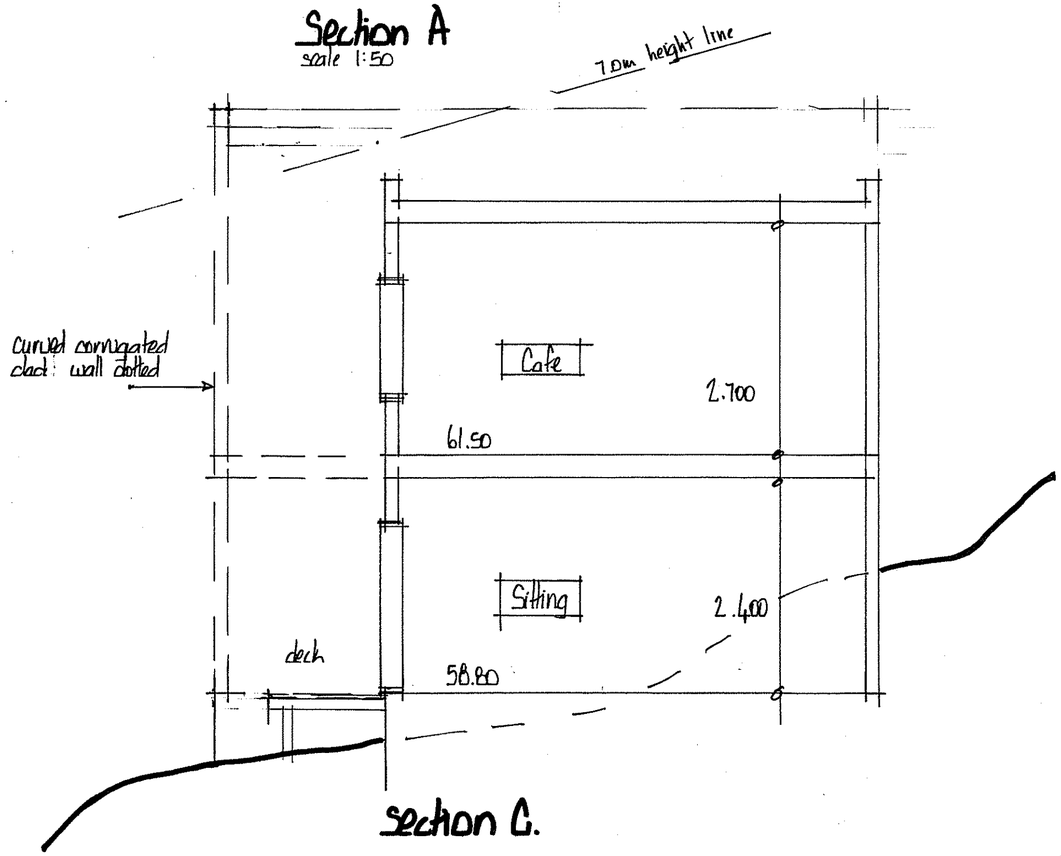


Section A
scale 1:50



- ground to be built up or steps/ramp to provide access to doors (part of landscape design by others)

Section B



Section C.

CAFE AT GIANTS HOUSE

revised March '22
Date. Nov '21
Scales. 1:50

Sheet N°
• A2

3

Rue Balguerie

Crossing th 37.04 kerb th 37.67

RL 38.16 site bench mark
○ MN 718 SD 19371

Proposed Entry - by others

existing steps, landings + deck

Proposed Cafe

Lot 1
D.P. 310720

Lot 1
D.P. 39628

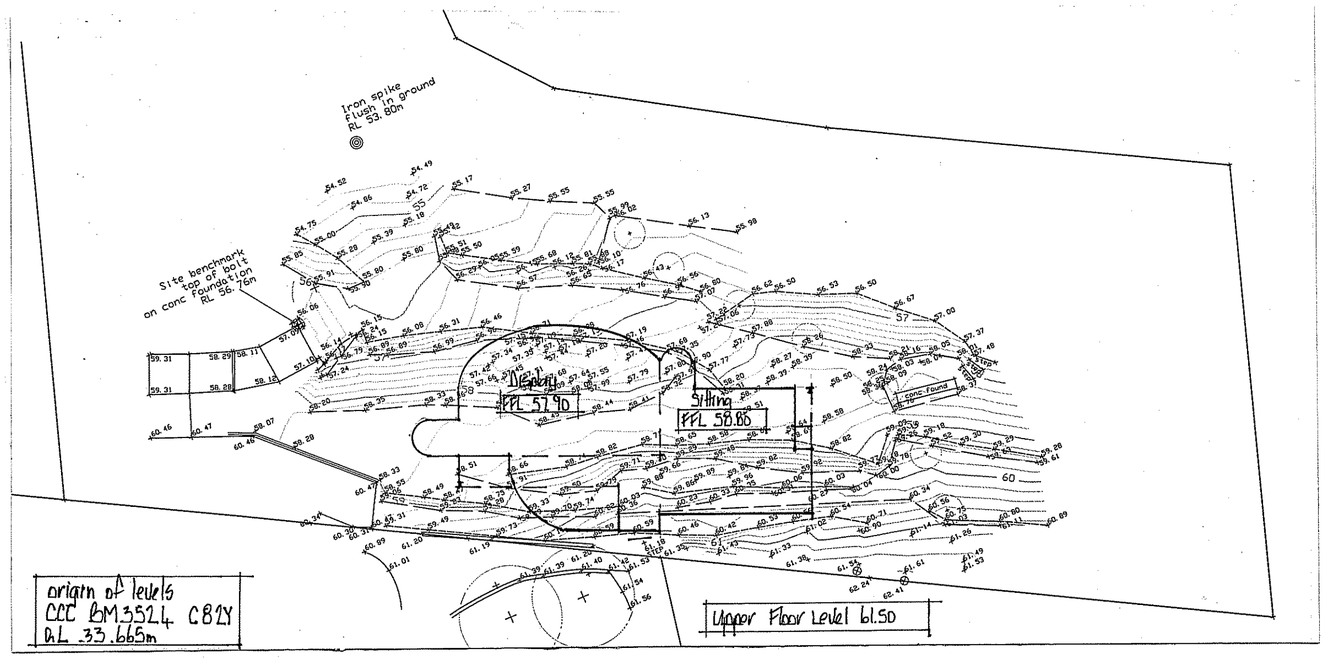
Existing Giants House

Lot 2
D.P. 53338

North

Site Plan
scale 1:400

Note
- Survey plan by Davis Ogilvie 2015 (as attached) levels in terms of Lyttelton Vertical Datum
- Survey plan by Survey Assist 2021 (as attached) levels in terms of Christchurch Drainage Datum July 2019 Network
- 9.043m differential



Part Site Plan
scale 1:200

- refer to full survey document by Survey Assist (as attached)

CAFE AT GIANTS HOUSE

revised March '22

Date. Nov '21
Scales. 1:200 1:400

Sheet No
- A2

4

DCM URBAN DESIGN LIMITED
10/245 St Asaph Street
Christchurch 8011
021 114 0377
www.dcmurban.com

Thursday, 28 April 2022

DAVID OGILVIE LIMITED
Level 1/24 Moorhouse Avenue
CHRISTCHURCH 8011

Ref: 2022_030 DO Giants House Akaroa UDA_A

URBAN DESIGN ASSESSMENT - RESIDENTIAL BANKS PENINSULA ZONE, TRANSPORT ZONE
70 & 74 RUE BALGUERIE, AKAROA (LOT 1 DP 310720 AND LOT 2 DP53338 AND LOT 1 DP 39628)

Dear Damienne

The following letter is an Urban Design assessment of the architectural drawings prepared for the construction of an entrance building, the construction of a café, and the expansion of the 'Giants House' sculptural gardens at the above address. The review is based on a visit to the site, discussion with the applicant and plans and elevations as prepared by:

- Architectural Drawings by Seebeck Design Group dated November 2021

THE PROPOSAL
The application seeks resource consent to establish an entrance building and café for the 'Giants House' at 74 Rue Balguerie, along with expansion of the sculptural gardens at 70 Rue Balguerie to 74 Rue Balguerie.

The Entrance building has been designed as a 124m^2 space, taking the form of an oval 'egg' shape with a spiral roof. The building will provide ticketing, bathroom facilities, a lobby, storage, and a 5m^2 area dedicated to the sale and purchase of gifts and souvenirs. The building is proposed to be located along the northern road boundary of 74 Rue Balguerie (with a 1.1m setback from the road boundary), with access from the road via a ramp and stairs.

The café is proposed to be located towards the southern boundary of 74 Rue Balguerie, where it neighbours 70 Rue Balguerie. The proposed café is to replace an existing café currently operating out of the 'Giants House'. The café space has been designed to have both indoor seating and a 30m^2 deck towards the Northwest. The café building will connect to the wider site, via an access ramp from the deck, which will extend onto the existing landing structure. The ground floor of the café building will provide an area for storage and display, while a detached lift will provide access between the two floors. Access to the café will be limited to those who purchase entry to the 'Giants House'.

Expansion of the 'Giants House' sculptural gardens will involve removal of the dwelling on 74 Rue Balguerie and extension of the sculptural gardens to cover both 70 and 74 Rue Balguerie. An informal path lined with sculptures and planting, and following the natural contours of the site, is proposed to connect the entrance building and the existing 'Giants

House'. All internal boundaries of 74 Rue Balguerie will be planted. The existing 74 Rue Balguerie vehicle crossing on the western boundary will be closed off, and a new vehicle crossing constructed adjacent to the eastern boundary.

The proposal has a discretionary activity status and has been assessed where relevant against 14.15.1 Residential Design Principles of the Christchurch City District Plan, with a particular focus on (i) Hillside and Small Settlement areas. It has also been assessed where relevant against 14.15.3, 14.15.5 and 14.15.17. To be noted, although this development is not a residential development within itself, the above matters have been used to inform the assessment that follows.

14.15.1 RESIDENTIAL DESIGN PRINCIPLES

C. CITY CONTEXT AND CHARACTER:

i. Whether the design of the development is in keeping with, or compliments, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features.

ii. The relevant considerations are the extent to which the development:

A includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as building dimensions, forms, setbacks and alignments, and secondarily materials, design features and tree plantings; and

B retains or adapts features of the site that contribute significantly to local neighbourhood character, potentially including existing heritage items, Sites of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6, site contours and mature trees.

The application site is located on the southern side of Rue Balguerie and is bound by residential properties to the south, west and east. The application site currently contains two dwellings, one on each allotment. The dwelling on 70 Rue Balguerie (Linton) is a Heritage listed house and located within a Heritage Setting. Along with the Heritage listed house (Linton), the 'Giants House' garden at 70 Rue Balguerie is well-established and long-standing attraction in the area, which has been recognized as a garden of national and international significance. The existing dwelling on 74 Rue Balguerie, which is to be removed, is a small single-storey weatherboard bungalow.

The application site and all directly surrounding properties are zoned Residential Banks Peninsula Zone. The immediate area is characterised by predominantly single dwelling development, as can be seen on the image below from Canterbury Maps, while greenery is also dominant in the form of a large number of mature trees and various open grassy lawns/fields.

Image/Map Source: Canterbury Maps

The Entrance Building

I consider the proposed entrance building to be consistent with what would be anticipated in the area in terms of scale, and further the entrance building is of an appropriate size given its proposed location within a narrower section of the site. Although the proposed entrance building is to be located closer to the street boundary than the neighbouring dwellings (having a 1.1m setback), this is not completely out of place, as again a great deal of variation in setbacks exist in Akaroa and along Rue Balguerie itself. For example, the existing barn at 83 Rue Balguerie is also closely associated with the road, while a number of older cottages in the lower valley also closely line the street.

Although not characteristically 'residential', as the 'Giants House' is a well-known attraction within Akaroa and the neighbourhood, and given its renowned status, it would not be out of character for there to be a unique entry point to the garden from Rue Balguerie.

Existing Barn at 83 Rue Balguerie, positioned within the road setback

The Café

I consider the proposed café to be consistent with what would be anticipated within this area in terms of scale. The two-storey design and proposed footprint of the café building is similar in nature (in terms of dimensions) to many of the neighbouring residential properties on Rue Balguerie.

Materiality within the vicinity of the proposal is widely varied in both form, finish, and colour,

and so I believe the materials chosen for the café are not out of place given the diversity that already exists, while the selected artistic details and form maintain a level of visual interest appropriate for its setting amongst the 'Giants House' garden.

Images showing some of the range in dwellings as visible from Rue Balguerie, note the variations in colour, style, materiality, and form.

Extension of the 'Giant's House' Gardens

Extension of the 'Giant's House' Gardens will include the planting of a number of new trees and plants by the applicant (a qualified horticulturalist and artist with 45 years of experience), this fits in well with the existing leafy character of the upper extent of Rue Balguerie. Although the garden will contain a number of sculptural/artistic features, these will be predominantly visible from within the garden itself, while from public/neighbouring vantage points the view of the garden will be largely screened with greenery.

D. RELATIONSHIP TO THE STREET AND PUBLIC OPEN SPACES

i. Whether the development engages with and contributes to adjacent streets, and any other adjacent public open spaces to contribute to them being lively, safe and attractive.

ii. The relevant considerations are the extent to which the development:

- ***A*** *orientates building frontages including entrances and windows to habitable rooms toward the street and adjacent public open spaces;*
- ***B*** *designs buildings on corner sites to emphasise the corner; and*
- ***C*** *avoids street facades that are blank or dominated by garages.*

E. BUILT FORM AND APPEARANCE

i. *Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest.*

ii. *The relevant considerations are the extent to which the development:*

- ***A*** *subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines;*
- ***B*** *utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony;*
- ***C*** *avoids blank elevations and facades dominated by garage doors; and*
- ***D*** *achieves visual interest and a sense of human scale through the use of architectural detailing, glazing and variation of materials.*

The Entrance Building

As the entry point to a significant sculptural garden, the entrance building has been designed with visual interest in mind through both form and detailing, yet the building retains an engaging and appropriate scale for its location. It has also been positioned to associate directly with the street front, supporting variation in the alignment of buildings along Rue

Balguerie; while its 'egg' shape and positioning within the topography minimizes visual bulk.

The Café

The café location has been selected appropriately as to provide appropriate spacing and variation in positioning in relation to neighbouring buildings. As mentioned, by integrating the building into the existing topography, visual prominence and bulk has been greatly minimized, while its curved form, and mosaic/artistic details maintain variation and interest, and glazing engages with the street below.

H. SAFETY

i. Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.

ii. The relevant considerations are the extent to which the development:

A provides for views over, and passive surveillance of, adjacent public and publicly a ccessible private open spaces;

B clearly demarcates boundaries of public and private space;

C makes pedestrian entrances and routes readily recognisable; and

D provides for good visibility with clear sightlines and effective lighting.

The Entrance Building, the café, and the 'Giant's House' Garden Extension

The proposal incorporates a number of design elements to achieve a safe and secure environment, meeting CPTED principles. This includes:

- Planting, material changes and building layout will be used to clearly delineate the differences between public/private spaces (extending methods currently utilized by the 'Giants House' and gardens)
- No fencing along the Rue Balguerie frontage providing for better passive surveillance and connection to the street
- Windows looking outwards towards Rue Balguerie providing passive surveillance
- The sloping site will allow for a number of clear sightlines and passive surveillance of both the street spaces and internal walkways
- The design provides a high-quality environment through material use and vegetation, displaying a sense of pride, ownership, and care

Image showing the view down the sloping site to Rue Balguerie, from the proposed location for the café

I. Hillside and small settlement areas

i. Whether the development maintains or enhances the context and amenity of the area.

ii. The relevant considerations are the extent to which the development:

A *maintains significant and distinctive landforms, geological features, water bodies and courses, indigenous and exotic vegetation, coastal margins and the habitat of indigenous fauna;*

B *has regard to and protects historic heritage from inappropriate subdivision use and development, and recognizes the relationship of Ngāi Tahu mana whenua with their ancestral lands, water and other taonga, including Sites of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6 and access to those sites and to mahinga kai;*

C *is designed and located in a way that reduces dominance of buildings and structures;*

D *incorporates environmentally sustainable and low impact subdivision, site and building design;*

E *responds to the qualities that are distinct and unique to each small settlement; and*

F *where appropriate and possible, maintains views from properties.*

I consider the proposal is consistent with the scale and character of the receiving environment with the underlying landform being integrated into the proposal. Earthworks will occur to create access but given the nature of the development these will work 'with' the existing topography as opposed to creating flat building sites. The artistic and relatively small scale nature of the proposal, means that it responds to the site in a sympathetic manner.

14.15.3 IMPACTS ON NEIGHBOURING PROPERTY

a. Whether the increased height, reduced setbacks, or recession plane intrusion would result in buildings that do not compromise the amenity of adjacent properties taking into account:

ii. any loss of privacy through being overlooked from neighbouring buildings;

14.15.5 SCALE OF ACTIVITY

a. Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:

i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;

ii. the ability for the locality to remain a predominantly residential one; and

iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.

f. The opportunity the activity provides to support an existing nearby commercial centre.

The Entrance Building, the Café and Extension of the 'Giants House' Gardens

Akaroa is a unique settlement which has a number of small businesses which rely largely on tourism and visitors to the area. It is unlike other settlements with its unique French heritage, surrounding marine and terrestrial habitats and great variation in architecture, from contemporary to historic, among a number of other identifying characteristics. The proposed development (entrance building, café and extension of the 'Giants House' gardens) responds appropriately to it's setting within Akaroa, by building on a proven interesting and successful visitor attraction, while doing so with a considered and appropriately scaled approach given it's setting on Rue Balguerie.

The proposed entrance building and café development is in keeping with both the amenity and context of the area. As outlined above, both have been positioned with sufficient space from neighbouring dwellings and have been designed to minimize visual dominance through curved forms and by seating into the slope of the existing site. Visual prominence of the café in particular will be further reduced by extensive planting as part of the 'Giant's House' garden extension, enveloping the café building in the style of the existing garden.

Again, as mentioned, the building style and material palette of the area, including the immediate street and wider settlement of Akaroa, is widely varied, with dwellings constructed over a range of time periods, and subsequently in an extensive mix of styles and materials- resulting in an eclectic combination of buildings. The proposed entrance building and café would therefore not be out of place, as the suggested design incorporates familiar finishes as well as artistic details and interesting forms, in order to fit both it's context within the 'Giants House' gardens and the neighbourhood. Furthermore, as the 'Giants House' is a proven successful attraction within the area, it is reasonable to expect some sort of presence on the streetscape of Rue Balguerie.

The proposed extension of the 'Giant's House' gardens works well in supporting the context and amenity of the area within which the proposal is located. From both public vantage points such as Rue Balguerie, and neighbouring properties views of the garden will be largely dominated by carefully selected and well-maintained vegetation. It is intended that neighbouring properties will be screened from the garden with green borders in order to maintain the unique atmosphere within the garden, while in turn, providing privacy for the neighbouring residents.

It is predicted that the main views from neighbouring properties will be largely unaffected by the proposal (Entrance building, café, and garden extension), as most predominantly look out to the North onto Rue Balguerie and across the associated valley- the proposed buildings will be largely parallel to this outlook as opposed to obstructing it. Furthermore, most properties are positioned on the slope either above or below the proposed café/entrance building as to not have their predominant outlook affected by the proposal. There is also mature vegetation located along many existing property boundaries, already providing privacy and screening for residents; while it is intended that further planted screens will be implemented as mentioned. Although difficult to accurately predict without direct access to the neighbouring properties, it is anticipated that any unfavourable changes in views that do arise as a result of the proposal, will likely be able to be mitigated with screening vegetation.

Through the extension of the 'Giants House' garden and associated planting, as well as the use of a number of recycled materials throughout the artistic/mosaic details- the proposal contains a number of sustainable and environmentally friendly elements. The proposed entrance building, café and garden extension are not predicted to have any adverse impacts on any physical/natural features or ecosystems within the area. As the area is located within the Ngā Tūranga Tūpuna overlay, the applicant has requested council engagement with Mahaanui Kurataiao regarding the proposal. The proposal is not predicted to have any adverse effects on the Heritage listed 'Linton' house.

14.15.17 STREET SCENE – ROAD BOUNDARY BUILDING SETBACK, FENCING AND PLANTING

a. *The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street.*
b. *The ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries.*
c. *The ability to provide passive surveillance of the street.*
g. *The effectiveness of other factors in the surrounding environment in reducing the adverse effects.*

<u>The Entrance Building</u>

I consider the proposed entrance building to be appropriately designed in order to contribute to a lively, safe and attractive streetscape on Rue Balguerie. The entrance building has been designed to closely associate with the streetscape, and as a work of art within itself, adding a unique visual point of interest to the street. The building engages closely with the street through its active frontage and as the main access point to the 'Giant's House' gardens and café. Although the lesser setback does to some degree limit space for planting, it is intended that the existing plum tree is retained if possible, while boundary planting and planting on the upper parts of the slope as part of the 'Giants House' garden extension should provide sufficient greenery to keep the space visually appealing.

The Café

The café design, as incorporated with the existing topography, also has its outlook directed across the valley and to the street below- again reinforcing a level of engagement with the street. The café building has been architecturally designed, and is set into the slope of the site, in order to maintain an attractive and open streetscape.

Extension of the 'Giant's House' Gardens

Extension of the 'Giant's House' Gardens will focus on cultivating an interesting, appealing, and esteemed garden space, as an extension of the existing 'Giant's House' garden. The extension of this garden will subsequently enhance views from the street to the site, through the planting of diverse and well-maintained vegetation. Vegetation will also soften the proposed entrance and café buildings and will thereby enhance the atmosphere of the street.

CONCLUSIONS

Having reviewed the architectural drawings, visited the site and had discussion with the applicant, regarding the development at 70 & 74 Rue Balguerie I can support the proposal from an urban design perspective, confirming that the development will not have adverse effects for current and future residents for the following reasons:

- Both the proposed entrance building and café have been designed to an appropriate scale given the dimensions of surrounding properties and sited within the existing site topography to minimize visual bulk
- Both the proposed entrance building and café have been located appropriately at 74 Rue Balguerie, in order to allow for sufficient spacing from neighbouring properties and as consistent with the existing fabric of development
- Existing dwellings and auxiliary buildings along Rue Balguerie, and in wider Akaroa is made up of a diverse mix of building forms, styles, finishes and colour palettes; thereby the proposed entrance building and café would not be out of place, both hosting more domestic and more artistic finishes in order to fit both the existing street and the more unique setting of the 'Giants House' gardens
- Both the entrance building and café have active frontages facing Rue Balguerie, the entrance building in particular directly engaging with street, while their artistic features further create engaging visual points of interest
- The sloping site of 74 Rue Balguerie, on which the entrance building, café and garden extension are proposed, allow for a great deal of natural surveillance both to internal walkways and spaces, and further down to Rue Balguerie
- The 'Giants House' gardens have a reputation of being carefully curated and immaculately maintained, and so the introduction of greenery as an extension of this garden will likely further improve attractiveness of the street; especially as it is intended that the garden will be largely screened with greenery
- The 'Giants house' is a garden that is a well-established attraction acclaimed with both national and international significance; and a relatively modest extension

onto 74 Rue Balguerie to improve its amenity and function further is unlikely to have any significant negative impacts

- Given the artistic nature and working process of the applicant, I do not consider it necessary for a detailed Landscape Plan to be prepared for this proposal.

Yours sincerely

David Compton-Moen

Urban Designer / Landscape Architect

DIRECTOR OF DCM URBAN DESIGN LIMITED

The Giant's House Transport Assessment

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The Giant's House Transport Assessment

Quality Assurance Information

Prepared for	Josie Martin
Job Number	JMN-J002
Prepared by	Fraser Dixon, Transportation Planner
Reviewed by	Dave Smith, Technical Director

Date issued	Status	Approved by
24 February 2022	Draft	Dave Smith
24 May 2022	Final	Dave Smith
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1. Introduction

Abley has been commissioned by Josie Martin to provide a Transport Assessment (TA) report in respect of a lodged resource consent application to expand The Giant's House located at 70 Rue Balguerie, Akaroa into the adjoining property at 74 Rue Balguerie, Akaroa. The expansion will establish a café, entrance building and increase the landscaped sculptural gardens. The location of the site is shown in Figure 1.1.

Figure 1.1 Existing site location

2. Existing Site Data

2.1 Locality

The site is surrounded by low and medium density residential housing with the exception of 'life style block' style housing to the north. The site is located in a hilly environment where the site frontage road follows the Balguerie Stream.

Rue Balguerie runs along the frontage of the site and connects Day's Wharf and Slipway to the Akaroa Country Walks/Mt Vernon Lodge. Rue Balguerie is classified as a Local Road within the Christchurch District Plan.

Rue Balguerie has an approximate 9 metre wide carriageway with no centreline and parking available on both sides of the corridor. Along the site frontage there is a speed limit of 50km/hr however due to the nature of the corridor vehicles are observed to travel at slower speeds. Mobile Roads website provides an estimate of daily traffic volumes of 150 vehicles per day which is consistent with the very low traffic volumes observed during site visits.

2.2 Zoning

According to the Christchurch District Plan the site is zoned as “Residential Banks Peninsula Zone” as shown in Figure 2.1.

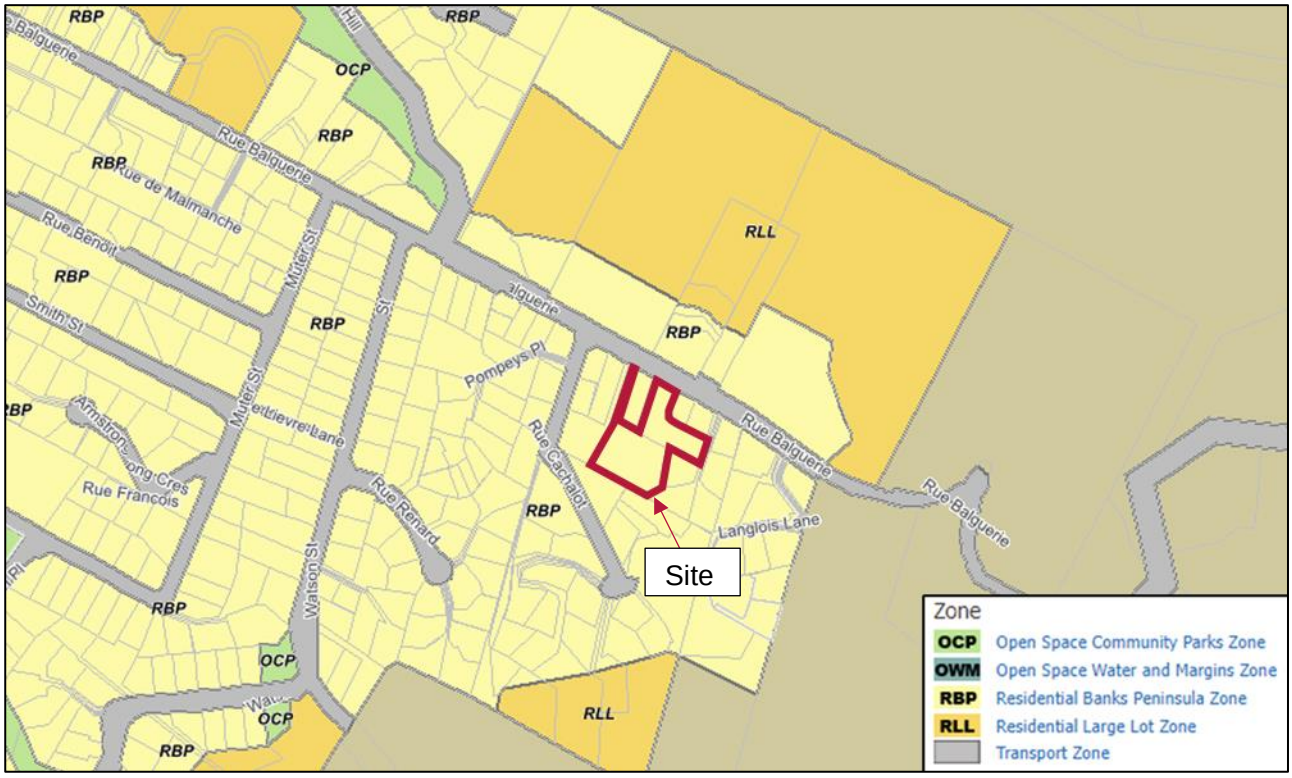

Figure 2.1 Map of planning zones for the site and surrounding area

The Christchurch District Plan states that the Residential Banks Peninsula Zone is a residential area “characterised by small lot sizes and narrow streets”. Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings and well-treed properties. Akaroa is a focal point for visitors to the region and the district. The character of the settlement is highly valued and the District Plan provisions seek to retain that character[1]”. The surronding land is zoned as Residential Banks Peninsula and Residential Large Lot Zones.

2.3 Existing Site Information

The existing site consists of The Giant’s House which is a garden of international significance and a single residential dwelling. The access arrangements of The Giant’s House includes an 80 metre driveway with a one way shared access. The access gate is controlled to only allow vehicles into the parking area if they have mobility requirements. The gate is shown in Figure 2.2. This is managed by those needing to park making a phonecall in advance. Pedestrians currently access the site by walking up the steep driveway where there is a set of stairs before the gate leading to The Giant’s House.

[1] Christchurch District Plan. *Chapter 14 Residential* Table 14.2.1.1a

Figure 2.2 The Giant's House accessway gate

The existing residential site that is to be developed currently has no formed vehicle crossing or accessway. It has a 10 metre long unsealed vehicle access.

The existing access arrangements are show in Figure 2.3.

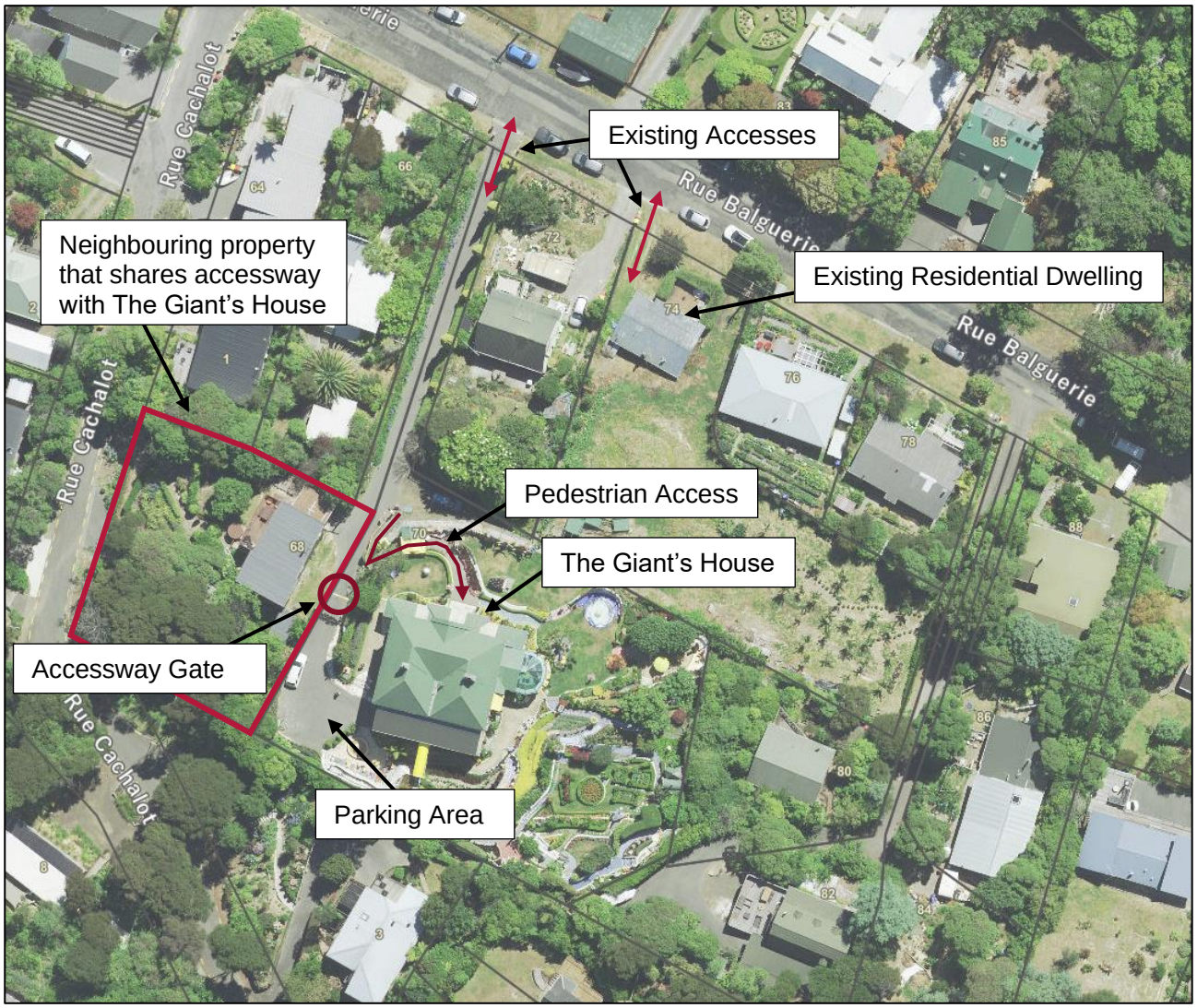

Figure 2.3 Existing Access Arrangements

Currently, coaches park on the grass berm on the north side of the road outside 73 Rue Balguerie. The coach may remain parked for the duration of the visit to The Giant's House or may leave the site and return to pick up visitors. The coach turns around using the Rue Balguerie / Rue Cachalot intersection. This requires coaches to reverse a maximum of 40 metres and into Rue Cachalot before continuing in a forward direction towards Akaroa township.

Upon returning from Akaroa township, coaches have been observed enter Rue Cachalot in a forwards direction and reverse back up Rue Balguerie adjacent to the 70 Rue Balguerie entrance. Both maneuvers have been observed during a site visit by a 12 metre coach and it is confirmed there is ample room within the road reserve. The extremely low traffic volumes (150 vehicles per day or approximate one vehicle every four minutes two-way in peak hour) and lack of pedestrians and cyclists in the vicinity combined with safety features on board the bus (coaches are installed with reversing cameras and audio warning while reversing) means that this can be undertaken without safety concerns.

2.4 Travel Survey Data

A travel survey was undertaken from 26th February 2021 to the 10th April 2021, spanning across 47 days. The survey asked visitors how many people were in their party, what mode they travelled by (coach, car, walk and other) and where they live (Akaroa, Christchurch or elsewhere). The results of the survey can be found in Table 2.1. The survey was undertaken while New Zealand was in Covid Alert Level One status whereby domestic travel is largely uninhibited.

The peak day was noted to be Easter Saturday 3rd April 2021 and the peak hour of activity was Easter Monday 5th April 2021 from 11am-noon.

Table 2.1 Travel survey results from 2021

	Number of parties by				Number of people by				Totals across all modes	
Mode	**Coach**	**Car**	**Walk**	**Bike**	**Coach**	**Car**	**Walk**	**Bike**	**Parties**	**Persons**
Average/day	0.2	17.8	15.6	0.1	4.3	43.6	36.6	0.3	33.7	84.8
Average/hour	0.0	3.6	3.1	0.0	0.9	8.7	7.3	0.1	6.7	17.0
Peak Day	0	35	40	0	9	104	121	0	75	234
Peak Hour	0	7	17	0	0	16	57	0	24	73

The travel survey results indicate that most people arriving to The Giant's House arrive by car or walk with 51% and 43% of visitors respectively. There was a maximum of 73 visitors arriving during any given hour during the survey peroiod and no more than 234 a day.

The maximum number of cars visiting The Giant's House in any given hour was seven cars with the average number of vehicles on site at any given time being no more than four (average is 3.6) vehicles. The average vehicle occupancy is three persons per vehicle.

Over the 47 day survey period there were nine coaches with an average of 22 visitors per coach. The largest coach to visit the site over the survey period accommodated 44 visitors.

3. Proposed Activity

3.1 Overview

The proposal is to establish a café, entrance building and increase the landscaped sculptural gardens located at 74 Rue Balguerie as part of the existing The Giant's House activity. The proposed café and entrance building will be separate buildings and the sculptural gardens will be part of the existing gardens. The layout of the proposed site is found in Figure 3.1.

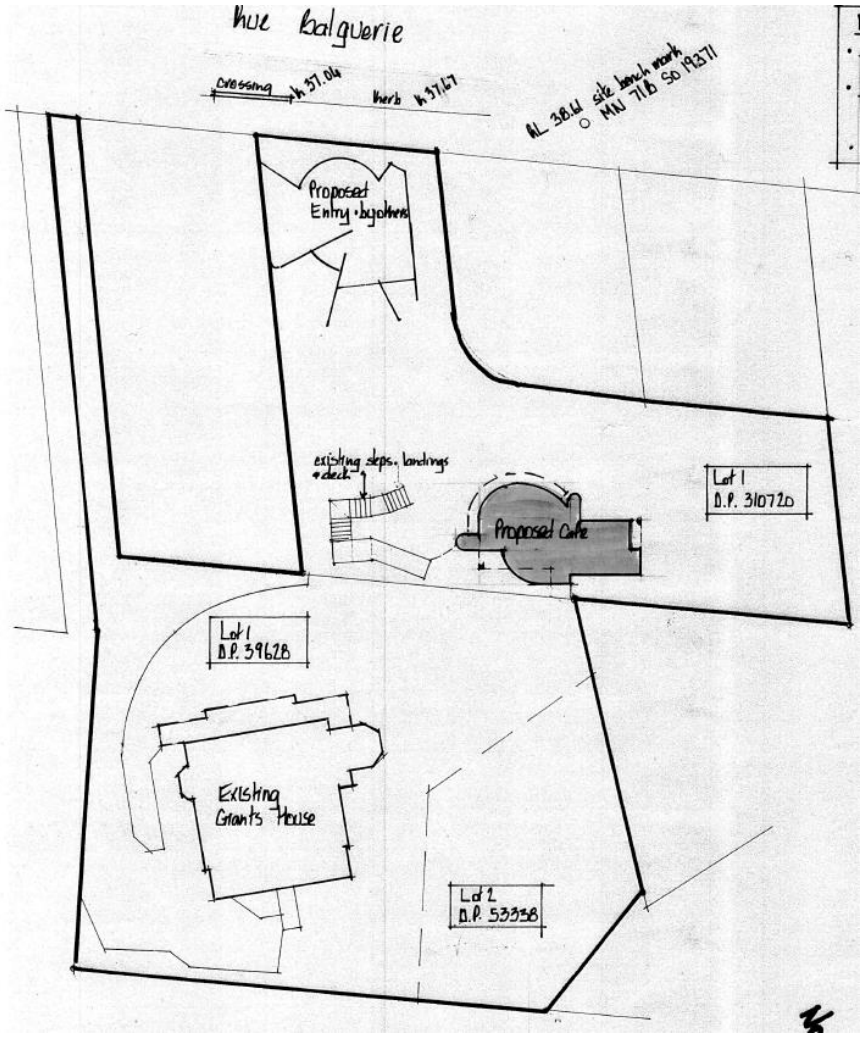

Figure 3.1 Proposed site layout

No aditional vehicle parking is proposed and delivery vehicles will not be servicing the proposed or current site as supplies are gathered externally by The Giant's House staff. Five cycle parks are included outside the entrance building where there is excellent passive surveilliance and is proposed to be located as shown in Figure 3.2.

One new vehicle access is proposed to replace the existing vehicle access at 74 Rue Balguerie and will serve as a private access to the property on the eastern property boundary side (that is it will not be available to the public). Pedestrian access is provided with a ramp installed at the front of the property. The existing vehicle access at 70 Rue Balguerie will not be available to the public. There is a gate at the top of the driveway to restrict access.

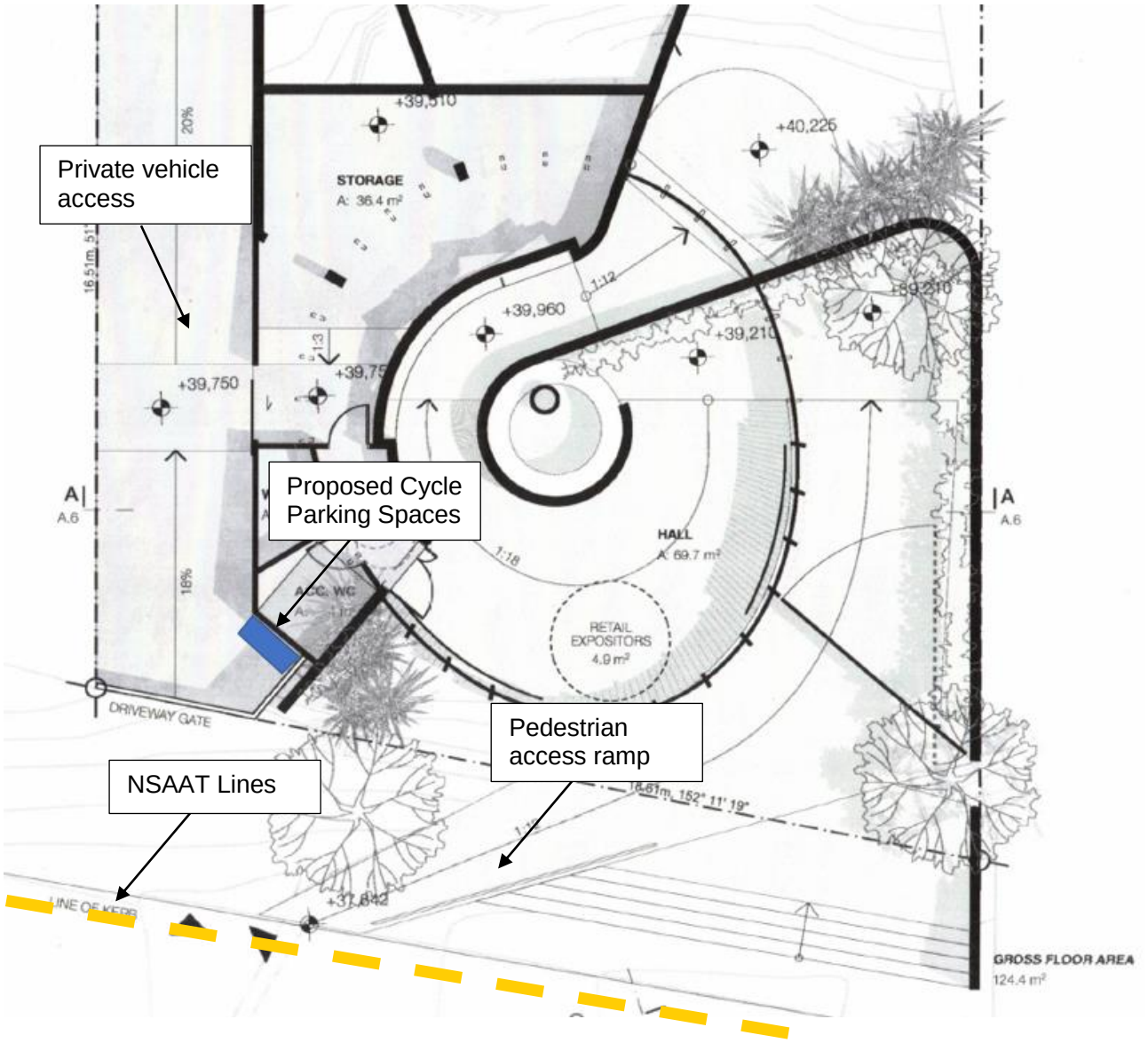

Figure 3.2 Location of cycle parking at the entrance building

A pedestrian access ramp with gentle grade is proposed in front of the property to provide for visitors with mobility difficulties with No Stopping At All Times (NSAAT) lines proposed to be installed across the front of the site to ensure vehicles are not parked in front of the pedestrian access. Additionally, a lift will be provided within the property for those who are unable to walk up the staircase joining the two properties.

Vehicles visiting the site will park on Rue Balguerie where there is ample free unrestricted parking available on both sides of the road corridor.

Currently the Giant's House employes three full time equivalent staff which will likely increase under the proposal by one to four in the peak summer season. Staff parking arrangements will remain the same with staff parking on the road or in the single park under the gabion wall up the existing driveway. Alternatively, staff get picked up and dropped off to and from the site. Rubbish collection will continue to occur using the standard council kerbside collection service.

4. Appraisal of Transport Effects

4.1 Safety Assessment

A query has been run on the Waka Kotahi NZ Transport Agency Crash Analysis System (CAS) database. This isolated reported crashes along Rue Balguerie between and including the intersections of Rua Cachalot to the west and Purple Peak Road ot the east. No crashes were recorded in the period 2017 through 2022 YTD.

This excellent safety record demonstrates the low volume, low risk environment for all modes. The scale and nature of traffic activity at The Giant's House is not anticipated to change substantialy, and therefore no safety concerns are anticipated.

4.2 Visibility Assessment

A visibility assessment has been conducted for the proposed vehicle access to the cafe building. This is shown in Figure 4.1.

Figure 4.1 Visibility assessment for the proposed access.

Rue Cachalot is located 75m to the west and Langlois Lane 100 to the east, and sightlines extend well past these as the road alignment is straight and unobstructed. The Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections recommends a sight distance of 97m for roads with an operating speed of 50km/h. The propsed access has sightlines that exceed 97m in both directions

4.3 Traffic generation

The average and maximum hourly visitor numbers that are anticipated on site are specified in the table below:

Season	Visitor Numbers per Hour (anticipated average)	Visitor Numbers per Hour (anticipated Maximum)
Winter (May - September)	<20 visitors	20 visitors
Summer (October – April)	45 visitors	120 visitors

The 2021 travel survey indicated that other than visitors by privately arranged coach tours, approximately 50% of visitors arrived by foot and 50% by private vehicle with an average of three occupants per vehicle. The typical duration of stay on the site is also understood to be in the order of 60 minutes.

The estimated number of vehicles arriving and parking is therefore (20*.5/3=) 3 vehicles under the winter maximum visitor numbers, and on average (45*.5/3=) 7 vehicles in summer months up to a maximum of (120*.5/3=) 20 vehicles per hour in summer. This assumes that none of these visitors arrive by coach, whereas in reality when higher visitor numbers are experienced they are expected to predominantly arrive by coaches which can hold up to approximately 50 visitors.

The resultant additional traffic on Rue Balguerie would be up to a maximum of one vehicle every 20 minutes (winter), an expected average of one vehicle every 8-9 minutes (summer) or one every three minutes (infrequent summer peak maximum) arriving at the site. This addition of traffic is well within the capacity of the road corridor and is not anticipated to result in any safety or efficiency issues.

4.4 Vehicle and Coach Access

Vehicle access on-site is currently restricted with only visitors who experience mobility impairments permitted to park in the small carpark at the top of the existing driveway. Visitors are required to call ahead in advance so that access to the carpark can be arranged. It is proposed that with the entrance building being located adjacent to road frontage, vehicle access on site will be private only.

With the proposed extension of The Giant's House to 74 Rue Balguerie the site will be far more accessible than the current situation whereby a relatively steep driveway is the single point of access. The proposal includes the provision of a ramp to enter the Entrance Building and lift to reach the upper levels of the site.

All visitor's vehicles are required to park on Rue Balguerie. There is ample parking available with over 30 parking spaces available within 100m of the site (or less than an approximate 1.5 minute walk). This exceeds the anticipated maximum number of vehicle arrivals and parking demand estimated in section 4.3, of 3, 7 and up to 20 vehicles in the anticipated winter maximum, summer average and summer maximum visitor number scenarios.

The current coach access is described in section 2.3. It is proposed that this be retained. There have been no safety concerns relating to the current coach manouevring. This exemplary safety record is consistent with the low speed and very low volume environment along Rue Balguerie with excellent visibility.

However, the following observations and recommendations are made with respect to coach access to further enhance safety:

i) It is noted there are limits on the number of visitors to be set based on the table in section 4.3.

ii) Coaches to be exclusively managed through a scheduled booking system which ensures only one coach will be in the vicinity of the activity at any one time.

iii) On arrival for both drop off and pick up coaches are to turn into Rue Cachalot and reverse up Rue Balguerie so that visitors can alight and board adjacent to the site frontage. All coaches must be installed with reversing cameras. This is coupled with NSAAT lines installed in front of the site to minimise conflict between vehicles and coaches and allow direct pedestrian access.

iv) Visitors by coach will be advised by The Giant's House staff when the coach has arrived for pick up so that they do not loiter in the roadway waiting for the coach and potentially come into conflict with the coach or other vehicles.

The combination of these operational measures with the low volume, low speed environment means that the current coach manouevres can continue to be supported from a safety and operational perspective.

5. District Plan Rules Assessment

The Christchurch District Plan sets out the transportation-related rules with which any development is expected to comply. An assessment of the proposed development against these has been undertaken and the results are summarised in Table 6.1.

Table 6.1 District Plan Assessment

<table>
<tr><th>Rule</th><th>Assessment</th><th>Status</th></tr>
<tr><td><u>7.4.3.1 (a) Minimum and maximum number and dimensions of car parking spaces required</u>

ii. Any car parking spaces provided shall have the minimum dimensions in Appendix 7.5.1, Table 7.5.1.3.
iii. At least the minimum number of mobility parking spaces in accordance with Appendix 7.5.1 shall be provided on the same site as the activity.</td><td>The only parking spaces provided are the existing accessibility parking spaces. No additional parking spaces are proposed.</td><td>N/A</td></tr>
<tr><td><u>7.4.3.2 (a) Minimum number of cycle parking facilities required</u>

At least the minimum amount of cycle parking facilities in accordance with Appendix 7.5.2 shall be provided on the same site as the activity.

Cycle Parking Requirements

<table><tr><th>ID</th><th>Activity</th><th>Visitor</th><th>Staff</th></tr><tr><td>I.</td><td>Other entertainment activities/ recreation facilities, if not specified</td><td>1 space/ 50 m^2 PFA</td><td>10% of visitor requirements</td></tr><tr><td>dd.</td><td>Food and beverage outlets</td><td>1 space/ 300 m^2 PFA</td><td>1 space/ 100 m^2 PFA (2 spaces minimum)</td></tr></table></td><td>The cycle parking requirements for the proposed activities can be found in the table below.

<table><tr><th>Activity</th><th>GFA</th><th>Visitor parks</th><th>Staff parks</th></tr><tr><td>Other entertainment activities/ recreation facilities, if not specified</td><td>166</td><td>3</td><td>0</td></tr><tr><td>Food and beverage outlets</td><td>113.5</td><td>0</td><td>2</td></tr></table>
Five cycle parks are proposed to be provided however none of these are proposed to be covered and secure.</td><td>Non-compliant</td></tr>
</table>

<table>
<tr><th>Rule</th><th>Assessment</th><th>Status</th></tr>
<tr><td>
<u>7.4.3.3 (a) Minimum number of loading spaces required</u>

At least the minimum amount of loading spaces in accordance with Appendix 7.5.3 shall be provided on the same site as the activity.

a. The minimum number of on-site loading spaces provided shall be in accordance with Table 7.5.3.1.

Loading Requirements

<table>
<tr><th>ID</th><th>Loading</th><th>Heavy Bays</th><th>99 percentile bays</th></tr>
<tr><td>i.</td><td>Other retail activities or commercial services, if not specified</td><td>Nil</td><td>1 bay/ 2000 m^2 PFA</td></tr>
<tr><td>x.</td><td>Food and beverage outlets</td><td>1 bay/ 1000 m^2 PFA</td><td>Nil</td></tr>
</table>
b. Minimum loading area dimensions

i. A heavy vehicle bay shall comply with one of the following vehicle sizes in Table 7.5.3.2 (depending on the largest vehicle expected to use the loading space). For commercial and industrial sites where waste collection occurs internally, a loading space and associated manoeuvring area large enough to accommodate a medium rigid vehicle must be allowed for.

ii. A 99th percentile vehicle bay shall be designed to the following minimum standards in Table 7.5.3.3.
</td><td>No loading spaces are required or proposed</td><td>N/A</td></tr>
<tr><td>
<u>7.4.3.4 Manoeuvring for parking and loading area</u>

a) Any activity with a vehicle access, onsite manoeuvring area shall be provided in accordance with Appendix 7.5.6

– Parking spaces shall be located so as to ensure that no vehicle is required to carry out any reverse manoeuvring when moving from any vehicle access to any parking spaces, except for parallel parking spaces.
</td><td>a) No additional parking spaces are proposed</td><td>N/A</td></tr>
</table>

Rule	Assessment	Status
– Parking spaces and loading spaces shall be located so that vehicles are not required to undertake more than one reverse manoeuvre when manoeuvring out of any parking space or loading space. – For any activity, the vehicle access manoeuvring area shall be designed to accommodate the 85th percentile design motor car, as specified in Appendix 7.5.4, as a minimum.		
7.4.3.5 Gradient of parking and loading areas For all non-residential activities with vehicle access. i) Gradient of surfaces at 90 degrees to the angle of parking (i.e. parking stall width) shall be ≤ 1:16 (6.26%). ii) Gradient of the surface parallel to the parking angle (i.e. parking stall length) shall be ≤ 1:20 (5%). iii) Gradient of mobility parking spaces shall be ≤ 1:50 (2%).	No additional parking spaces are proposed	N/A
7.4.3.6 Design of parking areas and loading areas a) All non-residential activities with parking areas and/or loading areas used during hours of darkness, lighting of parking areas and loading areas shall be maintained at a minimum level of two lux, with high uniformity, during the hours of operation. b) The surface of all car parking areas, loading areas, and associated access areas shall be formed, sealed and drained and car parking spaces permanently marked	a) The existing parking area is not used during hours of darkness. b) The existing car park is formed, sealed and drains well. Spaces are not currently permanently marked and are not frequently used. In the future this carpark will be for private use only.	Non-compliant.
7.4.3.7 (a) Access design – Vehicle access width Any activity with vehicle access, access shall be provided in accordance with Appendix 7.5.7. a) All vehicle access to and within a site shall be in accordance with the standards set out in Table 7.5.7.1. a. For all activities with less than 15 parking spaces, the formed width of vehicle access is required to be between 4m and 7m b. Queuing space required if there is more than four	a) The existing access to The Giant's House is 4m wide and the new vehicle access (for maintenance vehicles only and does not include any car parking) is at least 3.25m wide. b) The access way to the café is 3.25m wide and 17.2m long. The access to The Giant's House is 4m wide and 80m long. This is considered an existing non-compliance. c) The proposed access has clear visibility as per Section 4.1.	Non-compliant

Rule	Assessment	Status
b) Any vehicle accesses longer than 50 metres and with a formed width less than 5.5 metres wide shall provide passing opportunities (with a minimum width of 5.5 metres) at least every 50 metres, with the first being at the site boundary. c) All vehicle access to and /or from a site in a residential zone, shall allow clear visibility above 1 metre within a triangle measured for a width of at least 1.5 metres either side of the entrance, and for a length at least 2 metres measured from the road boundary. This rule does not apply to sites that have an existing vehicle access, unless there has been a change in the location of the entrance of the vehicle access (at the road boundary) and/or an increase in the number of residential units that the vehicle access serves. d) Where parking spaces are provided in separate areas, then the connecting vehicle access between the parking areas shall be in accordance with the standards in Table 7.5.7.1 based on the number of parking spaces served. e) The minimum and maximum widths shall be measured at the road boundary and apply within the site until the first vehicle control point. f) Where a mix of activities is proposed, the largest relevant dimension is applicable. g) The maximum gradient at any point on a vehicle access shall be in accordance with Table 7.5.7.2, except a maximum gradient of 1 in 5 (minimum 4.0 metres long transition ramps for a change of grade 1 in 8 or greater) shall apply for accesses that are identified in (g). For curved accesses, the maximum gradient shall be measured on the inside of a curved vehicle access. h) The maximum change in gradient without a transition shall be no greater than 1 in 8 (12.5%). Changes of grade of more than 1 in 8 (12.5%) shall be separated by a minimum transition length of 2 metres (see Figure 9 for an example). i) Where the gradient exceeds 1 in 10 (10%) the vehicle access is to be sealed with a surface that enables safe access in wet or icy conditions.	d) Parking is only in one area, which is located at the end of The Giant's House Driveway f) Noted h) Noted j) Probably need the gradients to complete the assessment k) Accessway is existing l) Accessway is sealed	
7.4.3.7 (b) Access design – Queuing space	There are less than four parking spaces provided and no additional parking spaces are proposed.	N/A

Rule	Assessment	Status
Any activity providing 4 or more car parking spaces, queuing space shall be provided in accordance with Appendix 7.5.8. On-site queuing spaces shall be provided for all vehicles entering a parking or loading area in accordance with Table 7.5.8.1. – The number of parking spaces accessed from a local distributor road, for four to ten, a minimum of 0m queueing space is to be provided for sites access via local roads.		
7.4.3.8 Vehicle crossings Any activity with a vehicle access to any road or service lane - A vehicle crossing shall be provided constructed from the property boundary to the edge of the carriageway / service lane. a) The maximum number of vehicle crossings shall be in accordance with Table 7.5.11.2 in Appendix 7.5.11. - Two vehicle crossing is permitted on a Local Road for frontage length between >16m and 60m. b) The minimum distance between a vehicle crossing and an intersection shall be in accordance with the Table 7.5.11.4 in Appendix 7.5.11. - A distance of 10m is required between the crossing and the intersection for Local Roads with a speed limit under 70km/h	Two vehicle crossings are permitted. One vehicle crossing is existing, and one is proposed. The minimum distance between the vehicle crossings is compliant, there is a minimum of 37.5 metres of separation from the Rue Cachalot intersection.	Compliant
7.4.3.10 High trip generators a) This rule applies to activities located outside the Central City, and activities within the Central City that are not exempt from this rule under b. below, that exceed the following thresholds.	The site generates less than 50 vehicle movements during peak hours, even under the anticipated maximum summer peak scenario whereby there would be an estimated 20 vehicle arrivals and 20 vehicle departures.	N/A

6. Matters of Assessment

6.1 Rule 7.4.3.6 Design of parking areas and loading areas

The existing car park does not currently include marked spaces. The carpark is intended for private use only, is gates to restrict access and will not be available to the public.

This exsiting non-compliance is existing and can be supported as it is not a public car park.

6.2 Rule 7.4.3.2 (a) Minimum number of cycle parking facilities required

The Christchurch District Plan requires the proposed cafe and entrance building to have three visitor and two cycle parks. Five additional visitor cycle parks are proposed.

The total number of parking spaces required is compliant, however there is no secure cycle parking provided. Currently there are no members of staff that cycle to The Giant's House. There is excellent passive survelience at the proposed cycle parking location in as the building will be surrounded in glassy.

Based on the 2021 Travel Survey results ouitlined in Section 2.4, on average there are 0.1 parties and 0.3 visitors that arrive by bike. The demand for cycling is low within the site and this is expected to continue with the installation of the proposed entrance building and cafe. The maximum number of cyclists that visited the the site in a day during the travel survey period was four. With the increase to the size of the activity it can be expected that there will be a small increase in the number of cyclist although most trips to the site will be existing as the proposed cafe and entrance building are considered to be auxilary activities. The five visitor cycles parks proposed is considered sufficient.

6.3 Rule 7.4.3.7 (a) Access design – Vehicle access width

The Christchurch District Plan requires vehicle access widths to be at least 4m wide for all activities excluding residential and office activities with less than 15 parking spaces.

The AS NZS 2890.1-2004 Part 1 Off Street parking standards state that for sites that have less than 25 parking spaces and have frontage to a local road, a vehicle access width of 3m to 5.5m is reccomended. The proposed new vehicle crossing does not serve any car parks and is 3.25m wide and considered acceptable for the proposal. No delivery or service vehicles will use the vehicle crossing and it is available for vehicles involved in the maintenance of the gardens only.

The existing driveway is 80 metres in length and 4 metres in width so does not have any passing opportunities for vehicles. The driveway is only available to visitors with mobility requirements that call ahead to get access to the available parking so is infrequently used. This non-compliance is existing and can be supported due to the infrequent use of the driveway.

7. Conclusion

Abley has been commissioned by The Giant's House, to provide an Integrated Transportation Assessment (ITA) in respect of a resource consent application to expand The Giant's House and establish a café, entrance building and increase the landscaped sculptural gardens located at 74 Rue Balguerie, Akaroa.

The proposed expansion of The Giant's House triggers three transport related non-compliances. These have been assessed and it is concluded that there are no adverse effects arising from these non-compliances.

A summary of the key findings of the TA are as follows:

- The proposal is to add an entrance building, café and expand the sculptural gardens to the existing The Giant's House activity.
- The estimated number of vehicles arriving and parking is 3 vehicles under the winter maximum visitor numbers, and on average 7 vehicles in summer months up to a maximum of vehicles per hour in summer. This assumes that none of these visitors arrive by coach, whereas in reality when higher visitor numbers are experienced they are expected to predominantly arrive by coaches which can hold up to approximately 50 visitors.
- The resultant additional traffic on Rue Balguerie would be up to a maximum of one vehicle every 20 minutes (winter), an expected average of one vehicle every 8-9 minutes (summer) or one every three minutes (summer peak maximum) arriving at the site. This addition of traffic is well within the capacity of the road corridor and is not anticipated to result in any safety or efficiency issues.
- No additional vehicle parks are proposed. The existing parking which is available will be for private use and not available to the public with ample on street parking available to meet requirements.
- Five visitor cycle parks are proposed in a location with excellent passive surveilience and the travel survey results indicate there is a low demand for cycle parking with a maximum of four cyclists arriving in a day.
- No delivery or service vehicles will be required to access the site as deliveries and servicing will be undertaken externally. Rubbish collection will occur via the standard council collection service.
- Providing two vehicle accesses is an improvement on the existing site's access arrangements. It provides greater accessibility to pedestrians with a less steep gradient through terracing and a lift is proposed for those with mobility impairments.
- No Stopping At All Times (NSAAT) lines are proposed along the site frontage to improve visibility and safety, and accommodate infrequent tour coach boarding and alighting.
- Most people visiting The Giant's House travel either by car or walk to the site based on the travel survey results from 2021, with infrequent tour coach arrivals.
- There is sufficient visibility at the newly proposed vehicle access exceeding the recommended 97m from the Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
- On-site observations and an exemplary safety record demonstrate that coaches can safely turn around using the Rue Cachalot /Rue Balguerie intersection to board and alight visitors to and from the site.

Considering the above, there are no transport-related reasons why consent should not be granted.

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Auckland
Level 1/70 Shortland Street
PO Box 613, Shortland Street
Auckland 1140
Aotearoa New Zealand

Wellington
Digital Nomad
Level 14/22 Willeston Street
Wellington 6011
Aotearoa New Zealand

Christchurch
Level 1/137 Victoria Street
PO Box 36446, Merivale
Christchurch 8146
Aotearoa New Zealand

hello@ableY.com
+64 3 377 4703
ableY.com