

**BEFORE THE CHRISTCHURCH CITY COUNCIL**

**UNDER** the Resource Management Act 1991

**AND**

**IN THE MATTER** of a resource consent application by Simon Jay and Josie Martin – Extension of The Giants House, 74 Rue Balguerie, Akaroa

**RMA/2020/2000**

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**STATEMENT OF EVIDENCE OF JOSIE MARTIN**

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## **1 INTRODUCTION**

- 1.1 My name is Josie Martin.
- 1.2 I am providing this evidence on behalf of myself and Simon Jay, who is a co-applicant.
- 1.3 The Giants House at 70 Rue Balguerie, Akaroa, has been my home for the last 25 years.
- 1.4 Horticulture and art are my passions and qualifications. I have always practised both at the same time for the last 50 years. I have done 30 art residencies in different countries and travelled widely, hence I have absorbed a great variety of diverse influences, all of which have come into play in the development of The Giants House.
- 1.5 In developing The Giants House, I wanted to use my talents, abilities and love of creating to give joy and inspiration to other people and believe through these I can contribute something of value to humanity. The Giants House vision is:
- To create a rich and unique comprehensive art environment for all ages to ponder and celebrate the theatre of life.*
- 1.6 The Giants House Garden is rated as a Garden of International Significance by the New Zealand Gardens Trust, a trust established by the Royal New Zealand Institute of Horticulture (RNZIH). Gardens of International Significance are described by the Trust as follows:
- These gardens provide New Zealand's top garden experiences. These gardens achieve and maintain the highest levels of presentation, design and plant interest throughout the year. They are the complete package which inspire garden lovers and deliver an experience above all other gardens.*
- 1.7 The RNZIH recently voted to present me with its Fellowship award in recognition of the contribution made to horticulture especially at the Giants House where good horticulture is combined with other facets of the arts.
- 1.8 The Giants House and Gardens have featured in many magazines, TV shows, newspaper articles, and books, with art works in collections in NZ and overseas. It is a popular tourist attraction in what is fundamentally a tourist

town, one which relies heavily for its economic wellbeing on local, national and international visitors.

- 1.9 The Giants House has won TripAdvisor's Travellers' Choice Award for the years 2018-2022, an award which recognises attractions that consistently deliver fantastic experiences to travellers. This Award is based on reviews and ratings from travellers worldwide to find the best things to do on TripAdvisor.
- 1.10 I have 30 books full of positive comments from a large cross section of people of all ages, and from all corners of the world. I have received a lot of community support for the proposed extension including not only the submissions in support, but also other letters of support which are **attached** as Appendix A to my evidence. This includes correspondence from my most immediate neighbour at 68 Rue Balguerie (Annie Milner) who states that she has no issues with, and is a happy neighbour of, The Giants House.
- 1.11 The love and care I lavish on the garden and house seem to transmit an energy to visitors. They come to experience a unique in the world, seriously playful, happy, sensual, original creative space that gives a sense of wellbeing, and for some healing, offering some respite from other blacker aspects of our world. That is the success of the Giants House and why it has won so many awards.

## **2 HERITAGE LISTING OF THE GIANTS HOUSE**

- 2.1 The dwelling at 68 Rue Balguerie is known as "Linton". It is listed as a Category 2 Heritage Building by the Historic Places Trust.
- 2.2 Linton is also listed in the Christchurch District Plan as Heritage Item Number 667, its listing supported by a Heritage Assessment – Statement of Significance undertaken in 2014.<sup>1</sup>
- 2.3 The Heritage Assessment refers to the high historical, social, cultural architectural and aesthetic significance of Linton, and I am proud to say that the Giants House attraction has been credited in the Heritage Assessment as adding to, as opposed to distracting from, its historical significance.

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<sup>1</sup><https://districtplan.ccc.govt.nz/Images/DistrictPlanImages/Statement%20of%20Significance/Banks%20Peninsula/HID%20667.pdf>

- 2.4 Linton was a grand old house in a state of near dereliction when I bought it 25 years ago. I have restored it myself and, except for a small grant of \$2000 from the Parkinson Trust, have footed all the considerable costs of restoration.
- 2.5 There is a high cost to preserving heritage buildings, especially one as big as Linton. As a conservative estimate, I would say that simply maintaining Linton in good order would typically cost in region of \$40,000 per annum, including insurance, repairs and general upkeep. In addition to routine maintenance costs, there are also significant one off or periodic costs, of which the most significant on the horizon is a full repainting of the House which is estimated to cost around \$82,000.
- 2.6 Simply to afford the upkeep of Linton requires a source of income, in our case 'the garden'. Without the ability to operate the visitor attraction, it would be an unmanageable burden for me to protect and preserve Linton's heritage values and to maintain the garden of international significance.
- 2.7 Preserving the heritage value of The Giants House does not mean it must be bland in appearance, as is obvious from the Council's heritage assessment. As the House is outside the Akaroa Heritage Area, there is no obligation to conform to a grey-on-grey colour scheme. Indeed, the House was painted in multicolours well before any guidelines were established, and originally was painted bright lead red.
- 2.8 The colours on the house enhance and accentuate the architecture, as historically was the case for many such houses. One of the features that endeared me to Akaroa when we came for family holidays in the 70's and 80's, was the way the historic houses were painted in a variety of joyous colours, which gave the town a lively personality of happy residents and a point of difference to city houses. Sadly, this has much disappeared.

### **3 EXISTING RESOURCE CONSENT**

- 3.1 In 2001, I obtained Resource Consent 00/165 for a "visitor facility" from the then Banks Peninsula District Council. This Consent allows me to undertake a wide range of activities including individual and group visitors to the garden, a café operation, art gallery and workshop and a limited number of concerts. The 2001 Consent recognises the value of the activity to maintaining the ongoing viability of the property and the wider contribution made by the facility to Akaroa.

- 3.2 The 2001 Consent application recorded that the majority of garden visitors would walk up from Akaroa, and that visits would take place mainly in the Spring and Summer. Parking on site was limited to spaces at the top of the driveway, but otherwise would be mainly street parking. Visits by bus groups were also included within the consent application, with buses parking on Rue Balguerie.
- 3.3 Since obtaining consent in 2001, The Giants House has operated without, to my knowledge or memory, a single complaint to the Council from neighbouring properties or otherwise.
- 3.4 The Giants House is a reflection of Akaroa itself, in that when Akaroa is bustling with holiday homeowners and visitors, The Giants House is busy. Equally, when Akaroa is quiet or steady, which is for substantial parts of the year, the Giants House will invariably have low – moderate levels of visitor activity.
- 3.5 Typically, our busier periods would be November (for spring garden visits) and the school and main holiday period which is from approximately 28<sup>th</sup> December each year to the end of January the following year, by which time the schools will be returning.
- 3.6 From February to March each year, there is a noticeable decline in numbers from the main holiday period, with a greater proportion of visitors from overseas.
- 3.7 April typically sees a further slowing down in numbers, the exception being for approximately 2 days over the Easter Holiday, particularly if the weather is fine.
- 3.8 Between May – September, visitor numbers are always very low. There is usually a slight pickup in October when we can have a steady stream of visitors, although I certainly would not describe any of the last 20 plus Octobers as busy.
- 3.9 A fact mentioned in submissions is the level of activity at the Giants House during the time when a significant number of cruise ships were berthing in Akaroa Harbour. This was due to the inability of large cruise vessels to berth at Lyttleton Port in the aftermath of the 2011 Canterbury Earthquakes. I have read with interest a detailed letter of 10 June 2020 from the Akaroa Civic Trust and the Akaroa Ratepayers Associated to our then Prime Minister

which sets out the scale of visitors in Akaroa associated with the cruise ships, including one day when almost 10,000 passengers arrived on two cruise ships.<sup>2</sup>

- 3.10 I understand that Lyttelton now has a dedicated cruise berth in place, which allows even the largest of ships to berth there, with the first arrival of a large cruise ship occurring in 2022.
- 3.11 There is speculation in submissions that the levels of activity at the Giants House will reach levels equal to or greater than those identified in a number of photographs included within submissions, for example, the photograph in the submission by Ronald Birch & Mary Pauwels. It is speculated that the return of international visitors on cruise ships will result in an increase in tourist buses to the Giants House.
- 3.12 While Mr. Smith discusses controls around bus arrivals in his evidence, I have paid particular attention to the level of bookings from cruise ships and tour bus arrivals over the recent spring/ summer period, from October 2022 onwards.

<b>Date of Bus Arrival at Giants House</b>	<b>Passenger Numbers</b>
10th October 2022	17
25 October 2022	19
26 October 2022	16
29 October 2022*	18
30 October 2022	18
1 November 2022	14
06 November 2022	22
07 November 2022	24
08 November 2022	23
10 November 2022	28
17 November 2022	19
18 November 2022	10
19 November 2022	26
22 November 2022	16
22 November 2022	12
23 November 2022	21

<sup>2</sup> <http://akaroacivctrust.co.nz/fastpage/downloads/lettertopm.pdf>

27 November 2022	14
28 November 2022	24
05 December 2022	10
15 December 2022	16
26 December 2022	16
19 January 2023	25
20 January 2023	25
27 January 2023	27
31 January 2023	12
20 February 2023	23
01 March 2023	18
01 April 2023.	20

\* Date of first cruise ship arrival in Lyttelton.

- 3.13 As can be seen from the above, with one exception (22 November 2022), there was never more than one bus arriving per day at The Giants House. Of the total number of buses visiting, only one contained passengers from a cruise ship. The rest were a mixture of garden and art groups, retirement village residents and seniors travel groups and overseas visitors on small tour groups.
- 3.14 I cannot say whether the above levels will continue for the future either with or without the proposed expansion of The Giants House. In my mind, what the above shows for now is that the return of large-scale cruise ships to Lyttelton has not to date resulted in a jump in numbers of tour buses at the Giants House. In fact, the exact opposite has happened. Overall, I think it more likely than not that the visitor profile of Akaroa will return to pre cruise ship days when visitors were a mixture of day-trippers from Christchurch, together with visitors from other parts of New Zealand and independent international travellers.
- 3.15 I also think it worth reiterating that Akaroa is a tourist town. That is how most businesses survive. Residents are happy to partake in the benefits of having activities, shops, cafes, restaurants, and amenities as a result of tourism.
- 3.16 Bus tours are a necessary part of this. It is the way a lot of people choose to travel, especially older people and a lot of mobility impaired. Bus tours provide convenience, security, companionship, accountability, and for many easier than navigating travel by themselves.
- 3.17 I personally have travelled with friends on many small and large buses on fantastic and memorable tours overseas to places otherwise not possible to navigate by myself e.g., all around Cuba, Eastern Turkey, Black Sea, St Petersburg, India, China, America, Mexico, Italy, Spain, France, Bali, Vietnam. It is probably better to have one bus than an extra 10-20 cars on the road and having to find parks.

- 3.18 So, Akaroa must find a way to accommodate buses, at least to help keep Akaroa alive and vibrant. Passenger buses have highly regulated emission standards now, and emissions are still significantly lower than those driving cars, showing a 10% reduction in greenhouse gases. This means they are a more efficient and environmentally friendly means of travel than by private vehicle.

#### **4 THE CURRENT PROPOSAL**

- 4.1 The historic house, the gardens and gallery will always be “the main event” for visitors, with the new gardens at 74 Rue Balguerie as a lead in up to the top part. The plan and challenge is to entice people up the hill gently, through a glorious garden, with points of interest for people to pause, without them realising they have ascended. A garden that weaves and unfolds in surprising ways, leading people from one area to the next.
- 4.2 If consent is obtained, the first step is to construct and open the café. The next step will be to properly form the path from the bottom. Once this is constructed, further landscaping can be undertaken, my ambition being that the new garden achieve the same 6-star standard as the existing garden. A strength of the existing garden is its privacy and seclusion from neighbours. This is also a number one priority when establishing the planting for the new garden.
- 4.3 The last step will be to construct the entrance building so as to finalise the link from the street to The Giants House.

##### **Cafe & Entrance buildings**

- 4.4 New buildings have to be “of our time” as architecture and buildings materials have changed. The new entrance and cafe building will therefore echo some of the historic features, like the curves on the main top front windows of the old house, the bay window, and the curve of the conservatory, but contrast with it in a contemporary way, making the old house a stronger feature.
- 4.5 The existing café is a delightful service in the garden exclusively for visitors to the gardens. We have had an outdoor cafe in the garden under the fig trees for the last 8 years, and it has certainly added something special to the ambience. It serves light lunches, morning and afternoon teas, as will the new cafe, and we intend to retain the current outdoor seating area for customers.
- 4.6 The outdoor cafe is however far from ideal when the weather turns cold, windy or wet. This makes it very difficult to organise fresh food each day and have to cancel staff, when many rely on the income. It is hard to find staff who can be flexible to cope with this arrangement. The indoor cafe would provide consistent reliable employment as people like to go inside on cold days, with a view of the garden.



- 4.7 The egg-shaped entrance building was designed by the architect to mirror the “egg” theme in the top garden. The events of September 11 2001 (twin towers) inspired me to build mosaic eggs to put all the broken bits together again for a new beginning “Genesis”, and the egg has been appropriate on many levels.
- 4.8 A simple, elegant small building, necessarily designed with a point of difference to be appropriate to the unique Giants House and gardens, but on the scale of a residential house.
- 4.9 The interior structure evoking a tree, will allow for a smooth flow of independent visitors and groups to enter and exit without getting mixed up and congested as can happen on occasion under the present arrangements. The architect's plan does not show that there will be more soft plantings on the building's frontage, to settle it into the landscape with trees on the west boundary and lower shrubs and grasses in the front.
- 4.10 As detailed in Ms Cottam's report, the entrance building has been moved back on the site to essentially occupy the same footprint as the existing dwelling. It will also be subject to more detailed landscaping. This is a response to, amongst others, Mr Marsh's comments in his submission.

## **5 GENERAL COMMENTS ON SUBMISSIONS**

- 5.1 I have the impression that many of the opposing submissions are from people who have never actually physically visited or experienced what The Giants House gardens offer, so consequently they haven't mentioned the beautiful gardens in their submissions.
- 5.2 Submitters have not seen older people struggle up the drive, nor do they understand why people want to visit, plus the huge asset it contributes to Akaroa's wellbeing. All businesses benefit from each other's businesses. The majority of residents and businesses are proud to have The Giants House as a Garden of International Significance in Akaroa, and happily bring their visitors to visit.
- 5.3 The large historic house sitting up on the hill is imposing and I suspect, daunting for some, being unaware of the positive activity that actually goes on in the house and garden. We are trying to improve access and make a more user-friendly business. The new development does not inevitably mean there will be more visitors. Only so many people come to Akaroa, though The Giants House is a draw card.
- 5.4 Those observations aside, we understand the neighbours' concerns and are doing our best to find solutions to minimise any potential impact. Several amendments to the proposal have been made after ongoing, positive, discussions with Council staff. These include a shifting of the entrance building, increased landscaping and also an extension of the existing footpath on Rue Balguerrie to alleviate concerns about pedestrian safety. This is notwithstanding the fact that cars and buses drive slowly

and carefully up on our part of Rue Balguerie, and there have never been any incidents of note to my knowledge in all the time that The Giants House has been open.

- 5.5 The garden we want to be private with plantings to obscure as much as possible from the neighbouring properties and road view, while also protecting aspects of residential amenity such as privacy.
- 5.6 I appreciate comments in submissions about a lack of landscaping detail. The intent is that landscaping for the Garden at 74 Rue Balguerie will be woodland style with trees and shrubs and no lawn. There will be a few rest/ seating places incorporated along the internal path as so many of our visitors are older people, and some sculptures. While recently established plantings on 74 Rue Balguerie, detailed below, are flourishing, it will not be possible to plant or establish pathways in the central area until the cafe is built as driveway access will be necessary to get building materials to the cafe site.
- 5.7 At 74 Rue Balguerie, there are 9 Michaelia's Maudiae, presently 2.5 to 4 metres high; 12 Cupressus "Green spire", presently 1 metre high but a fast growing conifer; 1 evergreen Magnolia; 2 Paulownia tomentosa; plus 8 Thuya orientalist on the adjacent area north side of the staircase, presently 2 metres high; with 20 Coleonema Lime Tuft planted below them. The East boundary and area with 30 Prunus "Serrulate Kanzan (gorgeous flowering cherry trees) now 4-5 metres in height, along with the boundary trees, Griselinia Littoralis, 2.5-3 metres high, and extensive under planting, so is now completely private from the neighbours. The North boundary 12 Photinia Red Robin trees are now up to 3 metres high. Climbers are planted to grow up the big staircase to soften it, 6 climbing roses, 3 evergreen Mexican blood vines, Distictus, and 3 evergreen climbing hydrangeas.
- 5.8 After completion of the cafe, we will be concentrating on establishing the pathways, and planting more trees (tall grade) and shrubs...continuing the woodland theme we have already successfully established under the cherry trees. I have provided Mr Compton-Moen with some more details to be incorporated into an updated landscape plan.
- 5.9 I should also mention that we have put up new wooden 1.8 metre boundary fences over 3 years ago.
- (a) On the South boundary of 76 Rue Balguerie, we paid 50% each.
  - (b) On the boundary with 72 Rue Balguerie, I paid the full cost of the fence and also planted, with their consent, a Pittosporum hedge on their boundary
  - (c) As for 78 Rue Balguerie (Marsh), I have asked if they would like to go 50/50 in a boundary fence, but they declined as it is well treed. In about April or May of

last year, I again offered to go 50/50 in a fence, but they said to leave it in the meantime.

- (d) I have planted 9 fast growing Rhododendrons on 74 Rue Balguerie side of the fence so there is a dense green belt between us.
- (e) On the East boundary we planted a Griselinia hedge 5 years ago and that is now 3 metres high, and private from those neighbours.

## **6 SECTION 42A REPORT – DRAFT CONDITIONS**

6.1 I have read Ms Cottam's report, including the draft set of conditions in Appendix 10.

6.2 While most of the conditions relate to technical components of the application and are best dealt with by the experts, I have a few comments to make, as follows:

- (a) While we are more than happy to keep records of customer numbers to ensure that the maximum does not exceed 80 in any one hour (Conditions 2 & 4), the inability to have walk up customers (Condition 3) is likely to have a serious impact on the viability of the operation. Walk ins are a core requirement for The Giants House to operate successfully and to generate revenue to maintain the gardens and the house itself. Many of our visitors come to Akaroa for only one night and it is because the iSITE, shop keepers and locals and BnB's recommend visiting The Giants House, they come to visit spontaneously. We can certainly advise local business and ISITE of the hourly limit and that they recommend that during the busy summer holiday period, visitors call in advance to ensure there is capacity. We can also amend our website to include information to that effect.
- (b) Condition 21 – the existing Consent allows for a limited number of concerts throughout the year and, in the last 20 years, these have been infrequent and also very low key to ensure there is no impact on neighbours. Every Christmas I hold a party to thank all locals for their support, and this will usually have some (non-amplified) music. I think it should be remembered that the Giants House has been my home for 25 years, so my personal life needs to be separated from The Giants House operation.
- (c) Condition 24 – we would like to retain the existing outdoor area for seating for café patrons, as per the existing Consent. It is situated in a location on the site which is secluded and contained from neighbouring properties and is therefore not in any way obtrusive. I am a little unclear as to whether Ms Cottam considers it acceptable for patrons to take cabinet food and drinks outside to sit in this area, which seems to be the purpose of the advice note.

(d) Condition 48 – I consider a 2m maximum height limit for sculptures to be unnecessarily restrictive given the extensive woodland landscaping that will be put in place. I do not have any issue with the minimum 2m setback for sculptures, although I expect this is not intended to apply to the internal boundary between our properties at 70 & 74 Rue Balguerie.

6.3 Thank you for time and serious consideration of The Giants House development and helping to keep Akaroa a great, growing town and allowing me to continue expressing my passion for Art and creation of a legacy for the future.

Josie Martin  
16 June 2023