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RESOURCE CONSENT APPLICATION TO Ashburton District Council



**Land Use Consent
329 West Street
Ashburton**

March 2025

**APPLICATION FOR RESOURCE CONSENT
SECTION 88, RESOURCE MANAGEMENT ACT 1991**

**TO ASHBURTON DISTRICT COUNCIL
PO BOX 94
ASHBURTON 7700**

Ashburton District Council (*please note different address for service*) applies for the following resource consent under section 9 of the Resource Management Act 1991:

Land use consent and variation of resource consent for the relocation of air conditioning equipment at the Ashburton Museum Art Gallery and Museum at 329 West Street, Ashburton.

Full details are contained in the “*Assessment Effects on the Environment*”, and appendices attached, to form part of this resource consent application, which corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

The names and addresses of the owner and occupier (other than the applicant) of the land to which the application relates are as follows:

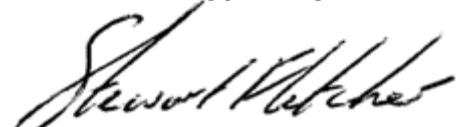
The owner is the applicant

The location of the proposed activity is as follows:

The activity is located at 329 West Street, Ashburton. The site is legally described as Lots 1 - 4 DP 46522.

No additional resource consents are needed for the proposed activity at this time.

Signature of applicant (or person authorised to sign on behalf of applicant).



11 March 2025

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ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Introduction

1. This assessment of actual and potential effects on the environment (AEE) is provided in support of a proposal to relocate air conditioning equipment at 329 West Street in Ashburton.
2. The AEE has been prepared in accordance with the Fourth Schedule of the Resource Management Act 1991.

The following appendices are attached in support of, and form part of, the application:

- Appendix One – Site Plans
- Appendix Two – Record of Title
- Appendix Three - Acoustic Report
- Appendix Four - Original Resource Consent Approval
- Appendix Five- Side Agreement with Neighbours

Background

3. Resource consent was obtained in May 2011 to establish the Art Gallery and Museum. The application was processed on a notified basis, approved, and subsequently appealed by submitters with those appeals resolved by way of mediated agreement (as confirmed in the Environment Court's Consent Order ENV-2010-CHC-236). One of the conditions which was agreed to through the Court mediation process was Condition 28, which specifies the following:

Roof Plant:

28. Noise from sources other than vehicle movements and pedestrians shall not exceed the following limits when measured at or beyond the boundary of the site:-

	2400 hrs to 0700 hrs	0700 hrs to 0900 hrs	0900 hrs to 1700 hrs	1700 hrs to 2100 hrs	2100 hrs to 2400 hrs
<i>Monday to Friday</i>	30dBA	40dBA	40dBA	40dBA	30dBA
<i>Saturday</i>	30dBA	30dBA	40dBA	30dBA	30dBA
<i>Sundays & Public Holidays</i>	30dBA	30dBA	30dBA	30dBA	30dBA

4. The Museum and Art Gallery building was subsequently constructed and opened in February 2015. The development aligns with the previously approved consent.
5. As part of the resolution of the appeals an agreement between parties was made. The agreement had the effect of limiting how activities were operated from the site, such as the number of nighttime events. This agreement is important in the context of Council's limited notification request and is discussed later in this assessment. The agreed terms of this side agreement form part of a land covenant that is registered on the records of title of six adjoining residential properties.
6. A copy of the original resource consent decision is attached as Appendix Four and a copy of the agreement between parties is attached as Appendix Five.

Description of the Proposal

7. Resource consent is sought to replace and relocate air conditioning equipment at the Ashburton Museum and Art Gallery at 329 West Street in Ashburton. To enable this a new resource consent is sought for the new location for the air conditioning equipment and in addition a variation is sought to the relevant conditions of consent due to non-compliances primarily with condition 28, but also other conditions to reflect the new location of the air conditioning equipment and changes to the car parking arrangement.
8. Resource consent was previously obtained for the establishment of the Museum and Art Gallery building which included the installation of air conditioning equipment on the roof of the building behind an acoustic wall. There has been ongoing difficulties and issues with the air conditioning of the building which has led to the air conditioning equipment needing to be replaced. The new equipment will be heavier and it will not be able to be placed on the roof. A new position has had to be determined.
9. It is now proposed to locate the equipment at ground level within part of the area currently used as staff car parking. The equipment will occupy an area of 10 metres in length and 6.5 metres in width on the southeastern frontage of the site adjoining West Street near the street corner. The equipment will be housed within an enclosed area with 150mm thick concrete walls on two sides, the museum building will be on the third side of the enclosure and there will be a slat wall facing on to West Street. There will be no roof on the enclosure. The concrete walls will be 4 metres in height and the equipment will sit below the height of the walls. Plans and illustrations of the location and structure are attached to this application. It is noted that as part of the design the pipes between the equipment and building will run up the side wall of the building and on to the roof. To ensure the appearance of the building is maintained, the pipes will be in a covered shield/box structure designed to blend with the building. The final design of the enclosure is subject to detailed design of the heating, ventilation and air conditioning system, however the bulk and location is not intended to change.
10. The position of the equipment area and the design of the concrete walls will ensure there is little change in the acoustic noise levels from the operation of the equipment when compared to the existing equipment. Acoustic modelling has been undertaken to demonstrate this. That said, it has been calculated that the proposal will not comply with condition 28 of the approved resource consent and accordingly a variation is sought to provide for the difference in noise levels from the proposed activity. To provide for this change or difference it is proposed to remove condition 28 and instead adhere to the relevant rules and standards specified in the Ashburton District Plan. Full compliance with relevant acoustic provisions in the District Plan is proposed and it is noted that the most relevant standard in the District Plan is 11.8.1 which specifies the following:

11.8.1 Noise standards for zones

- a) *The noise level from activities within any other site shall not exceed the limits set out in Table 11-1 below:*

	Daytime (0700 – 2200 inclusive)		Night-time (All other times)	
	<i>L_{Aeq}(1hr)</i>	<i>L_{AF,max}</i>	<i>L_{Aeq}(1hr)</i>	<i>L_{AF,max}</i>
<i>When measured at or within the boundary of any site zoned:</i>				
.....				
<i>Residential A, B, C and D</i>	<i>50dB</i>	<i>75dB</i>	<i>40dB</i>	<i>65dB</i>
.....				

11. On the basis of removing condition 28 and instead adhering to District Plan rules and standards, the acoustic controls will change from 40dB to 50dB during daytime hours and from 30dB to 40 dB during nighttime hours. The applicant also accepts that if the District Plan is updated in the future, then they will be required to comply with those future provisions in the same way they would be required to comply with the current provisions.
12. As the new equipment area will be located within the existing carpark it will also be necessary to remove four staff car parks on the site. These car parks will not be reinstated elsewhere on the site, as the car parks could only be relocated within the same staff parking area to an area that is currently grassed adjoining the driveway for access to the loading area. This relocation would have increased traffic movements up the loading area driveway adjacent to the most directly affected neighbour. Therefore, the applicant has decided not to reinstate the four car parks lost, which means the proposal will result in a loss of four staff car parks on the site. One of the car parks to be removed is a mobility space. It is proposed that one of the other car parks on the site will be converted into a mobility parking space such that the number of mobility parking spaces provided on the site will not change.
13. In order to reflect the changes to the location of the air conditioning equipment, conditions 1, 14, 31 and 33 will also need to be amended. These conditions and suggested amendments are as follows:

General:

1. *The proposed Ashburton Museum and Art Gallery shall be established, operated and maintained on the land at 325, 327, 331 and 333 West Street (SH1), Ashburton, in accordance with the plans and particulars shown in Attachment A to this decision, together with the following conditions of this consent except for those amendments approved as part of resource consent LUC25/XXXX.*

Staff car access and parking:

14. *Prior to the operation of the Museum and/or Art Gallery on the application site on-site staff car parking and its access off Wills Street shall be established and maintained in accordance with the plans now forming part of this consent except for those amendments approved as part of resource consent LUC25/XXXX.*

Landscaping:

31. *Landscaping shall be established and maintained in general accordance with the Landscape Design Plan and particulars now forming part of this consent except for those amendments approved as part of resource consent LUC25/XXXX.*
 33. *All landscaping required for this consent, including those amendments approved as part of resource consent LUC25/XXXX, shall be maintained. Any dead, diseased, or damaged landscaping is to be replaced immediately with plants of the same or similar species.*
14. As illustrated in the attached plans, existing landscaping will be maintained and additional landscaping established to assist in the blending of the equipment structure into the surrounding area.

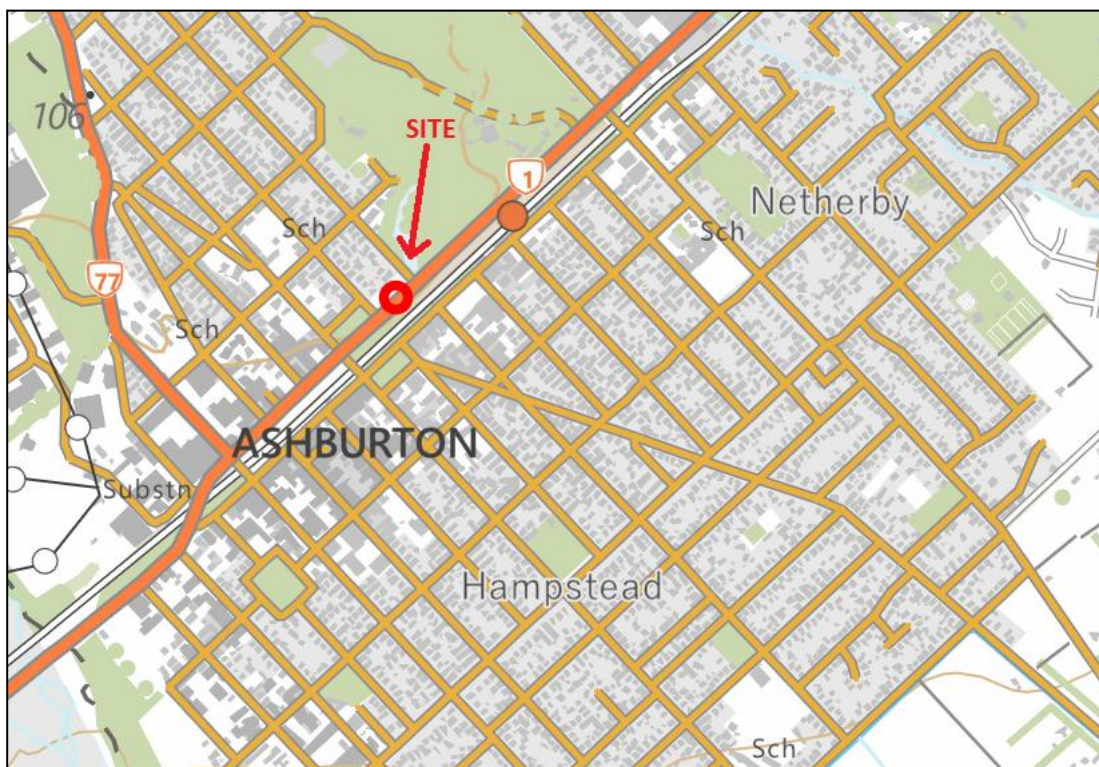


Figure 1 - Location of the Site



Figure 2 - Aerial Photograph of Site

Description of the Site and Surrounding Environment

15. The site is located at 329 West Street in Ashburton. As previously discussed, the site contains an existing art gallery and museum including associated car parking. The location and design of the building makes it a dominant feature of the area fronting on to State Highway 1.
16. The site has frontages on to West, Cameron and Wills Streets. Activities in the local area are mixed including residential, reserves, memorials, government services, a railway line and the state highway.

Statutory Assessment

Ashburton District Plan

17. The site is zoned Residential A in the Ashburton District Plan and is known as the High Density Residential Zone. The High Density Residential Zone is located in the heart of Ashburton (Kapuka) close to the town centre and key commercial and recreational facilities. The zone provides for high density residential development such as apartments, joined townhouses, terrace housing or multi-unit elderly housing complexes. This provides a choice of accommodation options and areas with low maintenance development. The purpose of the zone is to enable efficient use of the land close to the town centre, increase diversity of residential development and to provide choice.
18. In assessing the reasons for resource consent being required it is noted that this assessment only considers those non compliances generated by the proposed activity. Consideration has not been given to existing activities which have been previously consented, such as the establishment of the art gallery and museum.
19. Consideration has been given to the nature of the proposal and how it fits within the definitions of the District Plan. The proposed activity is considered to be part of a community activity and the enclosure area (including air conditioning equipment) is treated as being an accessory building on the basis of the following definitions:

Community Activity means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual wellbeing, but excludes recreational activities. A community activity includes educational facilities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres.

Accessory Building in relation to any site, means any separated or detached building the use of which is incidental or ancillary to that of any other permitted principal building, or use on that site.

20. On the basis of the above the proposed activity has been reviewed against relevant District Plan provisions and resource consent is required for the following reasons:
 - Rule 4.8.4 specifies that Community Activities are a discretionary activity in the Residential A zone. It has been assessed that the proposed activity is part of a community activity and accordingly it is considered that a discretionary activity resource consent is required under this rule.
 - Site Standard 4.9.10 (Design and Appearance) specifies that within the Residential A zone, all new buildings, or additions to the exterior of existing buildings that are greater than 40m² in area, shall be Restricted Discretionary Activities. The proposed

enclosure area will be approximately 65m² in area and accordingly a Restricted Discretionary activity consent is required under this standard.

21. In assessing the proposed activity against the provisions of the Ashburton District Plan it is also noted that consideration was given to the following:

- Whether the enclosure complied with road setback standards. In this instance the enclosure will be setback more than two metres from the boundary and will therefore comply with setback requirements.
- The incorporation of the pipes up the side of the building, including shielding, will comply with height requirements. The building is 9.7 metres high which complies with the 10 metre maximum specified in the Plan such that again it is considered the proposal complies with this standard.
- The proposal will comply with the District Plan noise standards which, at their lowest level specify a maximum of 40 dBA. The maximum noise level generated has been calculated to be 38dBA by the proposed activity at the closest residential boundary.

22. Overall, it has been assessed that a Discretionary Activity consent is required for the proposed activity and as part of assessing the above it is noted that the proposed activity will comply with all other relevant provisions of the Ashburton District Plan.



Figure 3 – Ashburton District Plan Zone Map

Resource Management Act 1991

23. In addition to the provisions of the District Plan as a variation to a condition of consent is sought a discretionary activity consent is required in accordance with section 127 of the Resource Management Act 1991.

24. The variation sought has been described above and in considering the variation as a resource consent the references to a resource consent and to the activity are only references to the change of the condition and the effects of the changes respectively.

Actual and Potential Effects on the Environment

Receiving Environment / Permitted Baseline

25. In assessing the proposed activity, it is noted that an activity like the proposed is not provided for as a permitted activity. That said, there are elements to the proposal which are similar to a permitted activity. This includes that residential structures are permitted to be erected closer to the boundary than proposed and such structures could be higher and with greater site coverage (there is no limit on site coverage in the Residential A zone). With regards to built form, some recognition could be given to what is permitted on the site but it is considered that the development of the site for residential purposes is unlikely, due to existing development on the site.
26. The permitted baseline does also include environmental controls, including noise. The noise standards for the Residential A zone are as follows:

	Daytime (0700-2200 inclusive)		Night-time (All other times)	
	L_{Aeq}(1hr)	L_{AF,max}	L_{Aeq}(1hr)	L_{AF,max}
When measured at or within the boundary of any site zoned:				
Residential A	50 dB	75 dB	40 dB	65 dB

27. On the basis of the above, it is permitted to generate noise to a level which is greater than the consented proposal. Again, care needs to be taken in applying such a permitted baseline as there is an applicable resource consent which requires compliance with a lower acoustic standard, but it is considered appropriate to give some acknowledgement to the permitted noise standards in the Ashburton District Plan.
28. What is considered to be of greater importance is the receiving environment. The site contains an existing consented activity which has established a particular character to the site. As stated earlier this application operates on the basis that much of the site, and its activities, are consented and consideration is limited to only a small addition. It is the receiving environment which reduces the impacts of the proposal by ensuring the proposal is complimentary to the receiving environment which also ensuring the dominance of structures etc does not increase.
29. On this basis it is considered that the permitted baseline is of limited relevance but of greater importance is recognition of the consented environment within which the proposal will be located.

Assessment of Effects on the Environment

30. There is no limitation as to those matters which can be considered in assessing the potential effects of the proposed activity. It has been assessed that any potential effects of the proposed activity will be limited to amenity/character, noise and car parking. On this basis the potential effects of the proposed activity have been assessed as follows:

Amenity / Character

31. When the original resource consent was granted for the establishment of the museum and art gallery significant consideration was given to the anticipated amenity and character of the site, particularly based on its' residential zoning. Ultimately resource consent was granted but it is recognised that any further changes to the site should not shift the character further away from where it already is, nor should it potentially increase the dominance of the structure.
32. In determining the design and location of the structure consideration was first given to the constraints that have little to no flexibility. This includes:
 - The new air conditioning equipment could not be placed on the roof due to its weight.
 - The equipment needs to be located as close to the building as possible.
 - Specific air conditioning equipment is required which is of defined dimensions.
 - Any noise from the operation of the equipment means that the distance between the equipment and the closest residential dwelling should be maximised.
33. On the basis of these parameters, it was determined that the location, as proposed, was the most appropriate on the site. It is also noted that consideration was also given to locating the equipment within the grass area between the staff parking area and the loading area driveway but the minimisation of noise from the equipment in relation to the neighbouring residence created difficulties. Consideration was also given to locating the equipment area in front of the building between the existing building and West Street but it was considered that there was a risk that this location would increase the visual dominance of the structure. Further detail on the alternatives considered is discussed in the consultation section below.
34. On the basis of a required location being determined consideration was then given to how the potential effects of the enclosure and equipment could be mitigated. The first step was to minimise the height of the equipment and establish enclosure walls which would provide noise reduction while not increasing visual dominance, secondly options for wall cladding types were considered and then thirdly how landscaping could be incorporated into the design.
35. It has been possible to limit the height of the walls to 4.0 metres which is a height that ensures equipment is secure and suitably enclosed for acoustic purposes. It was determined that the walls on two sides should be concrete which is visually consistent with the existing building but the third side would be a series slats in a earthy or natural colour to break up the bulk of the structure and finally using existing landscaping which will be further complemented by the incorporation of additional landscaping. A virtual image demonstrating the appearance of the structure has been included as part of the plans appended to this resource consent application.
36. The result is a structure which complements the existing building but also softens the visual impact of the existing building by providing a step in the building development on the site with a low structure in front before rising up to the main building. The northern façade of the building will no longer be a large flat wall, particularly when viewed from the north. The cladding types and landscaping assist in bedding the structure into the ground and softening the visual impact. Likewise, for travellers passing the site in a northerly direction, the proposed structure will provide a softened end point for the building and better provide a transition between the building and ground level, particularly through the use of the slat cladding (subject to detailed design).

37. It is also noted that the enclosure area provides the additional advantage in shielding or concealing the side doors to the building which currently have a menial or functional appearance when viewed from the State Highway.
38. On this basis it is considered the proposed enclosure area will have a positive effect on the existing amenity and character of the site and assist in reducing the existing visual dominance of the building.
39. It is also noted that it will be necessary to run pipes up the side of the building between the new air conditioning equipment and existing pipe connections. These pipes will be concealed behind a shield. The visual illustrations again provide a clear understanding of the location and appearance of the visual shield. The shield is designed to match the top rampart of the building which provide an appearance of consistency but again breaks up the large flat northern wall of the building. This includes a raised feature on the wall but also a slight overhang and shading on the rampart. Again, it is considered the change is clever in that it both compliments the existing building design but also softens the existing appearance of the structure. This is considered to have positive effects on the amenity and character of the site and its relationship with the local area.
40. Overall, it is considered the effects of the proposed enclosure on the amenity and character of the site and area will be positive.

Noise

41. A noise assessment of the proposed activity has been undertaken, as per the attached report. The report identifies that the noise level at the closest residential boundary (130 Willis Street) will be 38dBA. This noise level is fully compliant with the provisions of the Ashburton District Plan which include a maximum nighttime noise level of 40dBA.
42. In addition to the District Plan, the previous resource consent decision for the site included a condition (condition 28) which specified a maximum noise level, at particular times, of 30dBA. Accordingly, while the proposal will be fully compliant with District Plan noise standards, it will not comply with the condition of consent applicable to the site.
43. The character of the site and surrounding area consists of various activities such as the railway line and Domain but the only activities near the application site considered to be potentially sensitive to noise effects are the residential properties to the west. In assessing the potential noise effects it is noted that the type of noise the equipment will generate is a low continuous noise typical of such equipment including the operation of fans. The number of units that will operate, and accordingly the level of noise generated, will depend on conditions such as temperature, as such on an average day it is likely that noise levels will be lower but on particularly hot or cold days the noise will be as per the report. On this basis it is considered that the noise levels modelled in the report are conservative and represent a maximum as opposed to an average.
44. The appended acoustic report has provided comment as to the potential acoustic effects of the proposed activity. It details that the total noise from both the proposed plant compound and existing roof mounted mechanical plant, that will remain on the roof, can operate and comply with the applicable District Plan permitted activity noise limit of 40 dB LAeq. Noise emissions will provide appropriate residential amenity for the protection of sleep.
45. The acoustic report also notes that existing traffic noise levels at the adjacent residences are elevated at night to levels of 47 to 58 dB LAeq which is substantially above the permitted activity noise environment of 40 dB LAeq. The assessment details that the proposed relocation of the heat pumps to the new plant compound at the ground floor with noise mitigation in place, could result in a decrease in noise levels received by the

nearest dwelling at 130 Wills Street as the proposed structure, including a 4.0 metre high concrete wall, will provide a further buffer between the State Highway and the dwelling. The report concludes that any potential adverse noise effects will be minimal, given the elevated noise levels in the receiving environment. As a result, the existing residential amenity will not be substantially altered by the proposed changes.

46. On the basis of the above, it is considered that due to the existing acoustic environment there is no meaningful difference between a 30 or 40dBA acoustic standard and the relocation of the air conditioning equipment will potentially reduce noise effects for residential neighbours through the incorporation of a further structure between the State Highway and nearest residential neighbour.

Car Parking

47. In order to establish the proposed enclosure, it will be necessary to remove four existing staff car parks. In identifying the need to remove the car parks, consideration was given to alternative locations including the grass area between the service lane and the existing staff car parking area. While such a location was considered an option, the applicant was conscious that this would increase the number of vehicles using the service lane access and that the use of the service lane is strictly controlled by way of other conditions of consent. Also, car parking would be established in closer proximity to residential neighbours. Consultation with neighbours confirmed a preference that car parking was not established in this potential location. For these reasons it was determined that additional car parking, to replace those car parks being removed, would not be established on site.
48. In assessing the effects of the proposed reduction in car parking it is noted that the Ashburton District Plan no longer includes a requirement for the provision of car parks, on the basis of previous amendments to the Resource Management Act 1991. On this basis any assessment of effects, regarding the provision of staff car parking, should take into account that there is no car parking requirement. That said, it is recognised that car parking is currently provided for staff, and the proposed change will reduce the car parking available.
49. It is considered that the reduction in staff car parking is most likely to lead to a transferred increase in car parking demand on Wills Street, which is the closest available car parking area to the existing staff car park. Any increase in car parking demand would be for up to a maximum of four vehicles, based on the number of car parks being removed from the application site.

Wills Street does not include restrictions on car parking, such as time limits, and there is line marking to ensure vehicles do not park over or across vehicle entrances. Beyond the application site, there are residential properties on the south west side of Wills Street and the Ashburton Domain and Gardens adjoins the north east side. Within this street block, there are approximately nine dwellings on the south west side between the State Highway and Park Street and there are two dwellings on the north east side nearer the Park Street end. The characteristics of Wills Street, including larger properties and the majority of those properties only being on one side of the street, mean that car parking demands are more limited in scale and will be generally related to either the residential dwellings or users of the Domain. The greater availability of roadside carparking, existing line markings and small amount of potential increased demand for roadside car parking leads to a conclusion that any car parking related effects, from the removal of the four car parks from the site will be less than minor.

Summary of Effects

50. Overall, it is considered that the effects of the proposed activity will be less than minor particularly as the establishment of the enclosure will have positive effects on the amenity and character of the area, any potential acoustic effects will not change and may potentially reduce traffic noise and changes in car parking will have less than minor adverse effects.

Monitoring

51. There is no need for special monitoring of this proposal.

Consultation

52. As previously discussed, the original resource consent process for the establishment of the Art Gallery and Museum included the development and inclusion of agreed conditions, including condition 28 regarding acoustic noise levels. In addition, a separate side agreement was established.
53. The side agreement specified that Council would not apply to amend the conditions of consent for the first ten years of the gallery and museum being open. For the next five years following the ten year period the Council could seek a new consent or to amend the current consent provided it followed good resource management practice and undertook consultation with the neighbouring parties. The parties are currently in the five year period where Council must follow good resource management practice and consult with neighbours if it wishes to apply for a new consent or amend the current consent.
54. On this basis consultation with neighbouring parties has included the following:
- A consultation document was prepared to assist in discussions with the neighbours. The discussion document included two options for the location of the air conditioning equipment.
 - Council officers met with each neighbour separately between Tuesday 3rd December to Friday 6th December 2024 and discussed the options contained in the consultation document.
 - All neighbours expressed their gratitude at being consulted at this stage to have the ability to talk through both options with officers. Verbal feedback from the neighbours during this time was mixed, with the majority of neighbours appearing to be comfortable with either option. However, the most directly affected neighbour indicated their disappointment with plant being relocated on the ground and close to their house, and with the increased noise levels.
 - There was a feedback form at the back of the document which neighbours were asked to either complete or send an email to Council officers advising their feedback by 10th January 2025. Council officers received three feedback forms in support of the second option which was to locate the enclosure to the east of the existing building, between the building and the street.
 - As consultation was undertaken near the Christmas break, after the feedback deadline, Council officers followed up by telephone to see if any other neighbours wanted to provide their feedback before the Council report was finalised. One neighbour had missed the opportunity but wanted to provide feedback and other neighbours advised that they did not want to provide feedback.

- With regards to those neighbours who preferred the enclosure to be located on the eastern side of the existing building, it was requested that additional acoustic information relating to the existing plant noise be provided. Council officers followed up with the acoustic engineer (Marshall Day) and found that the plant noise wasn't separated from the traffic noise but could be done at an additional cost. Council advised that the information would not be provided and instead offered a site visit to the roof top so the parties could better understand what plant was proposed to be moved to the new enclosure and what plant was remaining on the roof. This site visit took place on Tuesday 28th January and following the site visit, officers received a phone call from one of the parties expressing appreciation for the site visit.
 - Following the above a report was prepared for the consideration of Council. The Council report was finalised and sent to Councillors early on 31st January. The purpose of the report was to summarise the feedback from consultation, and for Council's elected members to make the decision on which plant enclosure location Council would apply for resource consent for. After the report was sent to Council, Council officers received feedback from an additional neighbour on 31 January, who advised they were indifferent as to the option chosen, but did consider the plant enclosure option for the eastern side of the building would visually look better. Councillors were advised of the late feedback verbally at the Council meeting on 5th February.
 - On the 3rd of February, Council officers then emailed each neighbour with a copy of the Council report and advised them of ways they could watch Council make the decision.
 - At the Council meeting on 5th February, Council's elected members weighed up the advantages and disadvantages of both plant enclosure options. Councillors ultimately decided to proceed with a resource consent application for the option contained in this consent application, as it was considered this option was the best long term option for the facility, including from a visual amenity perspective. This chosen option also avoided the removal of a large tree, and did not encroach on what is considered to be an informal footpath in front of the building. Council officers then emailed each neighbour with the resolution from the Council meeting.
55. On the basis of the above it is considered that good resource management practice has been followed, including consultation with the neighbouring parties. That said, it is recognised that Council's chosen option was not supported by several neighbours in the consultation process. On this basis, in order to ensure continued good resource management practice it is requested that the resource consent application is processed on a limited notified basis to the following six parties:
- 124 Wills Street;
 - 128 Wills Street;
 - 130 Wills Street;
 - 121 Cameron Street;
 - 123 Cameron Street; and
 - 127 Cameron Street.

Objectives and Policies

56. Relevant objectives and policies in the Ashburton District Plan include:

Objective 4.1: Residential Amenity Values and Character

To protect and enhance the amenity values and character of residential areas, recognising the potential for some growth, whilst considering the particular characteristics of each residential area, the need to provide for a diversity of residential lifestyles, and making provision for non-residential services and activities that meet community needs.

Policy 4.1B

Impose environmental standards on development and land use in the Residential Zones that provide the community with a level of certainty, and protect and enhance residential character and amenity values.

Policy 4.1F

Provide for appropriate community based facilities to locate within residential areas where they meet a community need and are in keeping with the expected character and amenity values of residential areas.

57. The above objective and policies seek the enhancement of amenity values and character while recognising the characteristics of particular areas. In this instance it has been assessed that the proposed activity will improve the existing character and amenity of the site including the softening of the appearance of the existing building. It has also been assessed that the proposal will comply with relevant standards such as setbacks.
58. Policy 4.1F provides for community based activities which includes the Art Gallery and Museum. It has been previously assessed in the original application as to the expected character and amenity values but, for the purposes of this proposal, it is not considered that the proposal has any further or additional impact on the expected character and amenity values of the area. It has been instead assessed that the proposal will have positive effects.
59. On this basis it is considered that the proposed activity will be consistent with relevant objectives and policies for the Residential A zone.
60. Consideration has also been given to relevant objectives and policies for noise as follows:

Objective 11.1: Effects of Noise

Minimise the potential for conflict between noise emissions from land use activities and other more sensitive land uses.

Policy 11.1A

To provide rules setting noise limits adequate for the protection of community health and welfare while enabling reasonable noise emissions from activities to occur.

Policy 11.1B

To avoid or mitigate effects of noise on residential uses, by ensuring all activities meet standards in respect of noise measured on or near the property boundary, which will not compromise the qualities of the residential environments, and by discouraging residential uses from locating close to land zoned or used for noisy activities.

61. The above objective and policies seek to minimise the potential for conflict from noise emissions including through the imposition of rules and avoiding or mitigating effects of noise on residential uses.
62. In this situation the proposal is unique as it will comply with all relevant noise standards in the Ashburton District Plan such that the proposal is automatically considered to be consistent with the above objective and policies. Beyond this, it is recognised that the

applicant has attempted to further mitigate noise effects both in the design of the proposed enclosure but also through consultation with neighbouring parties.

63. On this basis it is considered the proposal is both consistent with and supported by relevant noise related objectives and policies in the Ashburton District Plan.
64. Overall, it is considered the proposal is consistent with and supported by the above objectives and policies.

Part II

65. Part II of the Resource Management Act 1991 contains the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The proposal will enable people to provide for their social, economic and cultural wellbeing while avoiding, remedying or mitigating any adverse effects of activities on the environment. The granting of consent for the activity proposed will achieve the purpose of the Act since it will enable the continued use and development of an existing site in an appropriate manner while also maintaining and enhancing the characteristics of the surrounding environment.
66. Section 7 of the Resource Management Act 1991 sets out “other matters” that the consent authority is to have particular regard to in achieving the purpose of the Act. In the context of the present application the following matters are relevant:
- (b) the efficient use and development of natural and physical resources
 - (c) maintenance and enhancement of amenity values
 - (f) maintenance and enhancement of the quality of the environment.
 - (g) any finite characteristics of natural and physical resources.
67. The proposal will allow the continued enhancement of the site including better use of a physical resource and maintaining the amenity values of the area. It is not considered the proposal will adversely affect the local area and will instead lead to potential positive effects. There are no specific issues relevant to section 8 of the Resource Management Act 1991 for this proposal.
68. Based on the assessment of effects on the environment above, it is concluded that the proposal will meet the purpose and principles of the Resource Management Act 1991.

Lapsing

69. A standard lapsing period of five years to give effect to this consent is appropriate.

Conclusion

70. Resource consent is sought to replace and relocate air conditioning equipment at the Ashburton Museum and Art Gallery at 329 West Street in Ashburton. To enable this a new resource consent is sought for the new location for the air conditioning equipment and a variation is sought to amend the original conditions of consent. It has been assessed that the proposed activity will not negatively affect the existing amenity and character of the area, acoustic effects will remain minimal, and car parking related effects will be less than minor.
71. Detailed descriptions of the activity are provided, along with a full assessment of the effects on the environment as part of the application.

72. For these reasons, it is considered that on the basis of the considerations required by s104 and subject to Part 2, it is appropriate to grant consent, as it is suggested that the purpose of the Resource Management Act 1991 would be better given effect to through the granting of resource consent. However, it is also requested that the application be processed on a limited notified basis to ensure continued consultation with neighbours.

APPENDIX ONE

Site Plans

APPENDIX TWO

Record of Title

APPENDIX THREE

Acoustic Report

APPENDIX FOUR

Original Resource Consent Approval

APPENDIX FIVE

Side Agreement with Neighbours