BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991 (the

Act) and of an appeal pursuant to section

120 of the Act

BETWEEN

L & M COONEY, A & A ARGYLE, M

LEARY, M KANE and K & H SMITH

(ENV-2010-CHC-236)

Appellants

AND

ASHBURTON DISTRICT COUNCIL

Respondent

AND

ASHBURTON DISTRICT COUNCIL

Applicant

Environment Judge J E Borthwick sitting alone pursuant to section 279 of the Act In Chambers at Christchurch

CONSENT ORDER

Introduction

- [1] On 24 September 2010 L & K Cooney, A & A Argyle, M Leary, M Kane and K & H Smith lodged an appeal against a decision of the Ashburton District Council regarding resource consent to establish and operate a Museum and Art Gallery on land at 325-333 West Street, Ashburton.
- [2] The court has now read and considered the consent memorandum of the parties dated 2 April 2011 which proposes to resolve the appeal.

Other relevant matters

ENVIRONMENT OF HE

[3] Mr E Wood has given notice of an intention to become a party under section 274 of the Resource Management Act 1991 (the Act) and has signed the memorandum setting out the relief sought.

Orders

[4] The court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including, in particular, Part 2.
- [5] The court, by consent, orders under section 279(1)(b) of the Act that:
 - (a) the appeal is allowed to the extent that the decision to grant resource consent LUC09/0025 is confirmed subject to the amended conditions which are attached as Schedule 1 and form part of this order;
 - (b) the appeal is otherwise dismissed;
 - (c) there is no order as to costs.

DATED at CHRISTCHURCH this

day of May 2011

JE Borthwick

Environment Judge

Issued: 30 May 2011

cooney v adc consent



SCHEDULE ONE

Conditions of consent

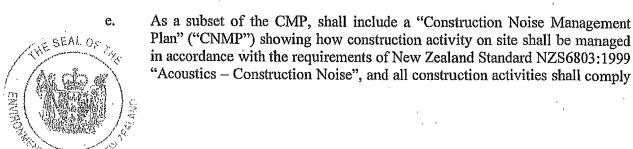
Pursuant to Sections 104, 104D, 108 and 128 of the Resource Management Act 1991, resource consent is granted for application reference LUC09/0025, by the Ashburton District Council to establish and operate a Museum and Art Gallery on land at 325 – 333 West Street, Ashburton subject to the following conditions:

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.

Construction

- 2. Prior to the commencement of construction work on this site, a final Construction Management Plan ("CMP") for the construction of the new Ashburton Museum and Art Gallery shall be prepared by an independent suitably qualified and experienced person on behalf of the consent holder and submitted to the Council's Environmental Services Manager for certification that it addresses all of the matters set out in condition 3 of this consent. The purpose of the CMP is to identify practices and procedures to be employed by the consent holder and any subsequent contractor to avoid, remedy or mitigate any actual and potential adverse effects of construction of the new Museum and Art Gallery on the surrounding environment as far as may be reasonably practicable, including practices and procedures to contain the effects of construction activities within the boundaries of the site as far as may be reasonably practicable.
- 3. The matters covered in the final CMP shall include, but not be limited to, the matters listed in the draft CMP framework attached to this consent as Attachment B, as well as the following:
 - a. Estimated construction programme; and
 - b. A contact person and contact details for construction-related complaints; and
 - c. A process for recording and addressing complaints, for recording the response to complaints and for monitoring the effectiveness of the response; and
 - d. A process for the review, amendment and update of the CMP in future if and as may be necessary; and



with the noise limits given in table 2 of that standard for long term duration; and

- f. A process to ensure that in the preparation of the final CMP, consultation shall be held with the owners/occupiers of 124, 128 and 130 Wills Street, together with 121, 123 and 127 Cameron Street, as well as the Council's Property, Parks Operations and Environmental Services managers, the results of that consultative process to be recorded.
- 4. A copy of the final CMP shall be forwarded to the Ashburton District Council's Environmental Services Manager for certification in accordance with condition 2 of this consent at least ten working days prior to the commencement of construction.
- 5. A copy of any review, amendment and update of the CMP shall be forwarded to the Ashburton District Council's Environmental Services Manager within two weeks of completion of that review.
- 6. All construction shall be undertaken in accordance with the CMP.

Hours of Operation / Public Events

- 7. Normal hours of operation during which the facility will be open shall be:
 - a. For the public:

To the Museum - 9:00 am to 5:00 pm 7 days a week, including public holidays; and

To the Art Gallery - 9:00 am to 5:00 pm Monday, Tuesday and Thursday to Sunday, and 9:00 am to 7:00 pm Wednesday, including public holidays, except as otherwise provided for under condition 8 below;

b. For Museum and Art Gallery Staff:

Between 7.00am to 9.00pm Monday to Friday and 9.00am to 5.00pm Saturdays, Sundays and public holidays, except as provided for in condition 8 below.

- 8. Public events (previously described as "special functions" in Section 2.2 of the land use consent application dated 30 April 2009), may be held outside the normal Museum and/or Art Gallery hours of operation, subject to the following:
 - a. Public events shall only be those that are ancillary to the Museum and/or Art Gallery. The Museum and Art Gallery shall not be available for hire for private functions; and
 - b. All activities on site involving the public must cease so that the public vacates the site no later than 10.30 pm and staff no later than 11.00pm

- c. Visitor car parking during public events is to be managed so that should the on-site visitor car park reach capacity, visitors are to be directed to use alternative parking in accordance with the Visitor Parking Management Plan required in conditions 20 and 21 of this consent below; and
- d. Signage shall be displayed within the Museum and Art Gallery building requesting public event attendees to exercise consideration of neighbouring residential peace and quiet when leaving the Museum and Art Gallery in the evening by not slamming vehicle doors, unduly revving vehicle engines or becoming involved in loud conversations on the street.
- 9. There shall be no more than 24 public events in any calendar year (being up to 6 public events for the Museum and up to 18 public events for the Art Gallery), of which no more than 3 per year shall generate or be likely to generate more than 100 visitors to the site. In addition, there shall be:
 - a. No more than 2 consecutive days of public events; and
 - b. No more than 2 public events in any continuous 7 day period.
- 10. The consent holder shall ensure that a record is maintained of all public events that are held outside the normal hours of operation of the Museum and/or Art Gallery, including the date, times held and number of persons attending. This record shall be available to the Council upon request.
- 11. The consent holder shall ensure that the owners/occupiers of 124, 128 and 130 Wills Street, together with 121, 123 and 127 Cameron Street, are given at least five working days notice of any public event occurring under condition 9 above.
- 12. Public events generating, or likely to generate, more than 50 visitors to the site, shall not start or finish during the following times (being the busiest times on the adjacent roads):

2:45 pm – 5:15 pm weekdays 9:45 am – 12:15 pm Saturdays

Access, Parking and Loading

Visitor car access and parking:

13. Prior to the operation of the Museum and/or Art Gallery on the application site, onsite visitor car parking and its access off Cameron Street shall be established and maintained in accordance with the plans and particulars now forming part of this consent.

Staff car access and parking:

THE TOWN COURT OF

Reprior 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.

Pedestrian access:

15. Prior to the operation of the Museum and/or Art Gallery on the application site pedestrian access shall be established and maintained in accordance with the plans now forming part of this consent.

Cycle parking:

16. Prior to the operation of the Museum and/or Art Gallery on the application site accommodation for a minimum of six cycles shall be provided close to the main building entrance.

Heavy Vehicles, Rear Access and Loading:

- 17. A single-lane goods/service-vehicle access adjoining the western boundary of the site shall be established, operated and maintained in accordance with the plans now forming part of this consent, subject to the following:
 - a. Vehicle access shall be one-way only from Wills Street to Cameron Street; and
 - b. Vehicle access shall be limited to buses and goods/service vehicles only; and
 - c. Vehicle access through this area shall be restricted to the normal hours of operation for the Museum and Art Gallery as per condition 7(b) of this consent; and
 - d. The access shall be a minimum of 3.6 metres in width to a sufficient height to accommodate all proposed goods/service vehicles or visitor buses; and
 - e. The loading dock area shall only be used for the delivery and collection of goods; and
 - f. The consent holder shall maintain security gates at each end of the vehicle access that shall be kept closed and locked other than when access is required by visitor buses or goods vehicles; and
 - g. Any vehicle parked at the loading bay at the rear of the building shall have its engine turned off for the duration it is parked at the loading bay; and
 - h. The loading dock doors into the building shall be kept closed at all times except when goods vehicles are being loaded or unloaded.

Bus access and parking:

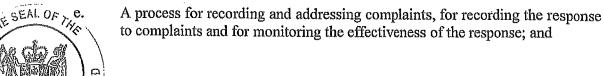
W COURT OF

18. Sufficient space shall be established, operated and maintained so that one bus can SEAL OF park to the south of the rear access security gates at the Cameron Street end of the Service-lane access (as described in condition 17a) above), and

- a. No more than one bus shall be parked on site at any one time, and shall only park in the location described above; and
- b. People getting on or off the bus shall do so via the footpath area adjacent to the bus park location described above; and
- c. Any bus shall have its engine turned off for the duration it is parked on site in the location described above.

Management of Visitor Parking for Public Events:

- 19. In accordance with condition 8 of this consent, visitor car parking during "public events" generating, or likely to generate, more than 50 visitors, is to be managed so that should the on-site visitor car park reach capacity, visitors are to be directed to use suitable alternative parking locations in the vicinity of the application site. For the avoidance of doubt, public events shall not include committee meetings, board and trust meetings or similar having to do with the management of these facilities.
- 20. Prior to the Museum and Art Gallery opening to the public, a "Visitor Parking Management Plan" ("VPMP") detailing how this visitor parking management and direction will be provided, shall be prepared by an independent suitably qualified and experienced person on behalf of the consent holder in consultation with (but not limited to) the owners/occupiers of 124, 128 and 130 Wills Street, together with 121, 123 and 127 Cameron Street, as well as the Council's Property, Parks Operations and Environmental Services managers and submitted to the Council's Environmental Services Manager for certification that it addresses the matters set out in condition 21 of this consent.
- 21. The VPMP shall include, but not be limited to, the following:
 - a. The location of alternative car parking to be used should the on-site visitor car park reach capacity during public events; and
 - b. The means which the Museum and/or Art Gallery staff (as applicable) shall use to make visitors to public events aware of the location of the alternative car parking prior to the event (e.g. maps and/or written advice on posters, flyers, invitations, tickets and websites; temporary signage; on site direction by Museum and/or Art Gallery personnel, etc); and
 - c. Identification of a representative/s of the Museum and/or Art Gallery (as applicable) who will oversee visitor parking management and direction during public events and their contact details; and
 - d. A contact person and contact details for complaints relating to the management of visitor parking during public events; and





- f. A process for the review, amendment and update of the VPMP in future as necessary, which shall occur in consultation with those parties set out in condition 20 above. A copy of any revised VPMP shall be forwarded to the Ashburton District Council's Environmental Services Manager within two weeks of completion of that review.
- 22. All management of visitor parking shall be undertaken in accordance with the VPMP.

Lighting

- 23. Lighting of the exterior of the building shall be established, operated and maintained in accordance with the plans and particulars now forming part of this consent.
- 24. All lighting of the exterior of the building shall be designed so that:
 - a. Light is directed away from adjoining residential properties and roads; and
 - b. There is no greater than a 3 lux spill (horizontal and vertical) of light onto adjoining residential properties, measured at any point more than 2m inside the boundary of the adjoining property.
- 25. There shall be no permanent exterior lighting of the rear access, except for motion sensor security lighting which shall be directed away from residences.
- 26. There shall be no moving or distracting lighting as viewed from public roads.

Noise

General:

27. There shall be no amplified music within the building played so as to be audible at the site boundary.

Roof Plant:

COURT OF

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
Monday to Friday	30dBA	40dBA	40dBA	40dBA	30dBA
Saturday	30dBA	30dBA	40dBA	30dBA	30dBA
Sundays AL & Public Holidays	30dBA	30dBA	30dBA	30dBA	30dBA

- 29. Prior to commencing the construction of the Museum and Art Gallery, a report shall be provided to the Ashburton District Council's Environmental Services Manager from a person specialising in acoustic design, demonstrating that the noise levels set out in condition 28 above will be achieved.
- 30. Within 3 months of completion of the development, noise from all sources on site other than vehicle movements and pedestrians shall be measured by a person specialising in acoustic engineering to demonstrate compliance with condition 28 above. The results shall be provided to the Ashburton District Council's Environmental Services Manager within one week of undertaking this monitoring.

Landscaping

- 31. Landscaping shall be established and maintained in general accordance with the Landscape Design Plan and particulars now forming part of this consent.
- 32. All required landscaping shall be provided on site within 6 months of the construction work being completed on the site.
- 33. All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping is to be replaced immediately with plants of the same or similar species.
- Proposed planting of specimen trees as shown on the Landscape Design Plan must be at least 1.5 metres in height at the time of planting.

Signage

- Building name signage shall be established and maintained in general accordance with the plans and particulars now forming part of this consent.
- 36. No additional signs, banners, flags or advertising devices, whether fixed to the exterior of the building or free standing, whether temporary or permanent, shall be erected on the site, with the exemption of any national flags including the Maori flag.

Café / Retail Activity

- 37. No café activity shall occur outside the normal hours of operation for the Museum and/or Art Gallery.
- 38. There shall be no outdoor dining or retail activity associated with the café or other use of this building.

Refuse

39. The Museum and Art Gallery site shall be kept free from refuse and tidy at all times.



Review

40. Pursuant to section 128 of the Act, the consent authority may annually on the anniversary of the date of this consent serve notice of its intention to review the effectiveness of conditions 8 and 9 of this consent in dealing with the management of car parking arrangements, and/or conditions 19 to 21 inclusive dealing with the visitor parking arrangements for this activity.

Advice notes:

- a. Prior to operation of the facility, it is recommended that the applicant, together with the New Zealand Transport Agency, investigate mechanisms to avoid pedestrian safety concerns related to vehicles parking on State Highway 1 opposite the application site, including consideration of a refuge or crossing facility, or the prohibition of car parking in this location.
- b. Attention is drawn to section 125 of the Resource Management Act 1991 (RMA), which states a resource consent lapses on the expiry of five years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent, unless
 - (i) The consent is given effect to, before the end of that period; or
 - (ii) An application which meets Section 125 of the RMA is made to the Council.
- c. Any sale of liquor on these premises will require further resource consent and by-law approval from the Council.



ATTACHMENT A

Plans and Parliculars forming part of application LUC09/0025



ATTACHMENT A:

Extract from Application - updated to reflect changes proposed by applicant.

ADC Proposed New Museum & Art Gallery Land Use Consent Application to Ashburton District Council

2.2 Proposal

Application also amended to include non-compliance with general noise standards at residential boundary for outdoor activities.

Site

2.2.1 The Council proposes to establish, operate and maintain a new purpose-built Museum and Art Gallery ("the proposal") at 325, 327, 331 and 333 West Street (SH1), Ashburton, generally between Cameron Street and Wills Street ("the site"). The four properties that comprise the site are between 1005m² and 1027m² in area, with a combined total area of 4056m². The location of the site is illustrated in the plans and aerial photo attached in Appendix 2.

Plans and Montages

- 2.2.2 The proposal is illustrated in the Concept, Site, Floor, Roof, Elevation, Lighting and Landscape Design Plans and Photo Montages attached in Appendix 3, A to E as follows:
 - A: Site Plan and Building Floor, Roof and Elevation Plans;
 - B: Building Roof Plant Layout and Noise Barrier Information;
 - C: Artist Impressions and Montages;
 - D: Building Exterior Lighting Plans; and
 - E: Landscape Design Plan and Tree Plan.
- 2.2.3 The following elevation plans in Appendix 3A illustrate the building from the following street/adjoining property perspectives:
 - A-200 South East Elevation: West Street (SH1) side of building;
 - A-200 South West Elevation: Cameron Street side of building;
 - A-201 North East Elevation: Wills Street side of building; and
 - A-201 North West Elevation: side of building facing adjoining residential neighbours.

Site Access

- 2.2.4 As can be seen from the Site Plan in Appendix 3A (Plan A-001), public vehicle access to and from the site will be off Cameron Street, approximately 40m northwest of West Street (SH1).
- 2.2.5 The main public pedestrian access is also off Cameron Street, although pedestrians can also gain access via the footpath alongside West Street (SH1). A pedestrian crossing will be established across Cameron Street and across the Museum and Art Gallery visitor car parking area to link the site and building with an existing footpath running from Baring Square West through the Cenotaph Reserve which lies generally to the west of the site on the opposite side of Cameron Street. As shown in the plans in Appendix 3, there will





also be an extensive area of paving around the public entrance to the building and along the West Street (SH1) frontage. This, together with the existing footpath, will provide a pedestrian linkage across the breadth of the site between the Domain to the east and the pedestrian crossing to the west connecting to Cenotaph Reserve and Baring Square West.

- 2.2.6 A separate staff vehicle access to and from the site is proposed off Wills Street, approximately 20m northwest of West Street (SH1).
- 2.2.7 There is proposed to be a one-way bus-and-goods-vehicles-only access through the rear of the site, entering the site off Wills Street and exiting on to Cameron Street, via secure gates at each end to prevent unauthorised through access.

Parking

- 2.2.8 A total of 29 car parks are proposed to be provided on site, comprised of 21 visitor car parks accessed off Cameron Street, and 8 staff car parks accessed off Wills Street.
- 2.2.9 There is space for one bus park in front of the security gates at the Cameron Street end of the site, where passengers would exit the bus onto the footpath area adjacent to the visitor car park.
- 2.2.10 "Overflow" visitor parking would be catered for by directing patrons to use the parking in the vicinity of Baring Square West. It is expected "overflow" visitor parking would usually only be required during any larger "special functions" (special functions are discussed further below), which will generally be held outside "normal" Museum and Art Gallery hours of operation (these are discussed further below). A Traffic Impact Assessment ("TIA") of the proposal attached in Appendix 4 identifies the amount and location of parking available for this purpose.
- 2.2.11 Cycle racks will be installed adjacent to the building entrance.
- 2.2.12 Parking on the area of vacant grassed railway land on the opposite side of West Street (SH1) generally to the south of the site does <u>not</u> form part of this proposal. (In addition, on the basis of the assessment in Sections 6.4 and 6.6 below and the findings of the TIA attached in Appendix 4, parking on this railway land is not considered necessary to provide for the predicted average daily parking needs of the proposal, or for "overflow" visitor parking associated with "special functions".)
- 2.2.13 The assessed visitor and staff parking demand, which forms the basis for the on-site car parking proposed, is described in the TIA attached in Appendix 4 and summarised in Section 6.4 below.

Building

Bulk and Location:

2.2.14 The proposed new Museum and Art Gallery will be a two storey building of approximately 10m in height at its highest point and approximately 5.4m in height at its lowest point.





- The ground floor will be approximately 1601m² in area; the first floor will be approximately 1168m² in area; and the building will have a total floor area of approximately 2769m².
- 2.2.15 As can be seen from the plans in Appendix 3A, the building will be "stepped" so that the north-western or rear side of the ground floor, closest to adjoining residential neighbours, will be the lowest part of the building (approximately 5.4m in height).
- 2.2.16 The highest part of the building (approximately 10m in height) will be set back approximately 12m from the north-western boundary or rear of the site, in other words set back approximately 12m from the closest boundary to adjoining residential neighbours, and will extend towards West Street (SH1) on the south-eastern boundary or front of the site.

Public and Staff Bullding Entrances:

- 2.2.17 The public entrance to the building will be a double-door atrium facing the south-eastern boundary or West Street (SH1) frontage (although the public vehicle and main pedestrian access is off Cameron Street, as described above). The public entrance has been designed to face in this direction to provide shelter from the south-westerly wind, and to optimise how the building functions internally.
- 2.2.18 A separate staff entrance to the building is located adjacent to the staff car park on the Wills Street side of the building.

Ground Floor:

- 2.2.19 The activities that will be accommodated on the ground floor are shown in Plan A-100 in Appendix 3A, and include the Museum and Art Gailery reception area, the Museum exhibition space, Museum storage space, Archive storage, Photo storage, Display furniture storage, and Genealogy records. The ground floor will also include office space for the Archivist, Museum Curator, a workshop, space for display preparation, a staff room and ablutions. As can be seen from Plan A-100, most of the ground floor space will be for storage.
- 2.2.20 The ground floor will also contain a Café (labelled on Plan A-100 as "coffee shop"). "Gift" type merchandising may also be undertaken by the Museum or Art Gallery at the Reception. The Café and Reception will be the only retail space in the proposal. The Café will be 58m² in area and the Reception 20m² in area, meaning a total potential retail space of 78m² in area.

 Applicant confirmed that no outdoor

First Floor:

2.2.2.1 The activities that will be accommodated on the first floor are shown in Plan A-101 in Appendix 3A, and include the Art Gallery exhibition space, a Sound and Light Gallery, an Education/Conference room, an office for the Art Gallery Curator, Art Gallery storage and work space, a kitchen and ablutions.





dining for the cafe is proposed.

Service Deliverles:

2.2.22 Goods-type deliveries to and from the Museum and Art Gallery will occur via a single loading bay at the rear of the building, located off the one-way bus-and-goods-vehicles-only access through the rear of the site (in Appendix 3A, see Plans A-001, A-100, A-302 (Section C-C)).

Building Roof Plant:

- 2.2.23 As there is no plant room within the building, building service units required to be located outside the building will be installed on both the ground floor roof and first floor roof. The roof plant will typically comprise plant such as air handling units, condensers and ducting. The location and layout of the roof plant is shown in the Mechanical Services Ventilation Layout plan in Appendix 3B.
- 2.2.24 The factors described below have dictated the location and layout of the roof plant.
- 2.2.25 The location and layout of the roof plant is designed in part to gain access to the floor beneath, and in part to enable the roof plant to be screened by the feature walls and parapets of the building which will be designed to provide both visual screening, and acoustic screening as indicated on the Mechanical Services Ventilation Layout plan in Appendix 3B.
- 2.2.26 Where there are no feature walls and parapets to screen the roof plant, both visual and acoustic screening will be achieved through the installation of "NAP Silentflo Eco-Barrier" noise barriers. Information on the appearance and acoustic performance of the NAP Silentflo noise barriers is attached in Appendix 3B. As indicated on the Mechanical Services Ventilation Layout plan in Appendix 3B, the NAP Silentflo noise barriers will completely enclose the roof plant on the ground floor roof, and will screen roof plant on the first floor where this is not screened by feature walls and parapets and faces the north-western boundary of the site.
- 2.2.27 The screening of the roof plant by building feature walls and parapets and the NAP Silentflo noise barriers is intended to achieve compliance with the applicable District Plan noise limits, and to avoid, remedy or mitigate any actual and potential effects of roof plant noise for the residential neighbours adjoining the north-western boundary of the site, which is considered potentially the most "sensitive" boundary (the other three boundaries of the site are road boundaries).
- 2.2.28 The location and layout of the roof plant and NAP Silentilo noise barriers are designed so as to not breach the recession planes or exceed the highest part of the building shown in the Elevation Plans in Appendix 3A.

Exterior Bullding Finish:

2.2.29 A schedule of the exterior finishes for the proposed Museum and Art Gallery is shown on Plans A-200, A-201, A-301, A-302, A-304 and A-305 attached in Appendix 3A.





- 2.2.30 The finished appearance of the proposed Museum and Art Gallery is Illustrated in the Artist Impressions 1 and 2 shown in plans A-400 and A-401 and in the Montages attached in Appendix 3C.
- 2.2.31 As can be seen in these plans, the building design has a modern style and form, and the building exterior is generally in precast concrete with finishes including textured paint, rendered plaster and natural precast concrete. The majority of the building is solid with windows concentrated around the public entrance and Café.

Bullding Signage:

2.2.32 The proposed building will have a "Ashburton Art Gallery and Heritage Centre" sign approximately 3.5m² in area on the south western part of the building frontage facing West Street (SH1), generally as indicated in Plan A-200 (South East Elevation) attached in Appendix 3A and in the Artist Impressions 1 and 2 shown in plans A-400 and A-401 attached in Appendix 3C.

Exterior Lighting

- 2.2.33 The exterior of the building will be illuminated at night as shown in the Exterior Lighting Renders plan attached in Appendix 3D.
- 2.2.34 Building exterior lighting is also illustrated in the Artist Impression 2 shown in plan A-401 attached in Appendix 3C.
- 2.2.35 The location of building exterior lighting is shown in the Outdoor Lighting Layout plan attached in Appendix 3D.
- 2.2.36 All building exterior lighting is designed so that light will be directed away from adjoining residential properties and from roads and will comply with relevant District Plan requirements in terms of light spill. Potentially the most "sensitive" boundary in terms of light spill is considered to be the north-western boundary of the site, adjoining residential neighbours (the other three boundaries of the site are road boundaries). A Light Spill Calculation Plan attached in Appendix 3D shows light spill on the north-western boundary of the site to be less than 1 lux which easily complies with the relevant District Plan requirements in terms of light spill.
- 2.2.37 No lighting of the visitor and staff car parks is proposed. The Council considers that ambient light from existing street lighting on West Street (SH1), Cameron Street and Wills Street, combined with ambient light from building exterior lighting, will provide sufficient illumination of the visitor and staff car parks.
- 2.2.38 No lighting of the one-way bus-and-goods-vehicles-only access through the rear of the site is proposed. There are secure gates at each end of this access to prevent unauthorised through access, and visits by bus and goods vehicles are likely to occur only

Source: Brian Lester, Chief Executive, Ashburton District Council, 24 April 2009.





during the day. Therefore, lighting of the service access at night is considered unnecessary, except for the possible installation of motion sensor security lighting.

Stormwater Management

2.2.39 The Council advises² that stormwater will be disposed of to the existing Council stormwater infrastructure and that the Council considers the discharge will not require separate resource consent from Environment Canterbury.

Staff

- 2.2.40 The average numbers of staff present on a working day are as follows:
 - Art-Gallery: 2.5-staff members
 - Museum: 1.5-staff members

Hours of Operation / Special Functions

"Normal" Hours of Operation:

Application amended to: Art Gallery: 5 staff Museum: 2.8 staff

- 2.2.41 It is proposed the Museum will be open to the public on weekdays from 10:00am to 4:00pm and on Saturday and Sunday afternoons from 1:00pm to 4:00pm.
- 2.2.42 It is proposed the Art-Gailery will be open to the public X days a week from 10:00am to 5:00pm including public holidays (except for Christmas Day, Roxing Day and Good Friday when it will be closed), with a late night Wednesdays until 7:00pm.

Special Functions:

Amended - see conditions.

- 2.2.43 The existing Museum currently hosts a range of different types of special functions ancillary to the Museum. The timing, number and frequency of such functions throughout the year, and their patronage, are varied. Examples of these include, but are not necessarily limited to, the following³:
 - (a) Committee Meetings: The Museum currently holds committee meetings monthly, involving up to 10 people and usually concluding by 8:30pm;
 - (b) General Meetings: The Museum currently holds bi-monthly general meetings, involving up to 30 people and usually concluding by 8:30pm;
 - (c) Display Openings: The Museum currently holds around one or two display openings per year on an occasional and infrequent basis, usually starting at 4:00pm on a Sunday and usually concluding by 6:00pm; and

Source: Ashburton Museum c/o John Rooney, Property Manager, Ashburton District Council, 21 May 2008.





Source: Brian Lester, Chief Executive, Ashburton District Council, 24 April 2009.

- (d) Evening Functions: The Museum currently holds two other evening functions per year, usually concluding by 9:30pm.
- 2.2.44 The existing Art Gallery currently hosts a range of different types of special functions ancillary to the Art Gallery. The timing, number and frequency of such functions throughout the year, and their patronage, are varied. Examples of these include, but are not necessarily limited to, the following⁴:
 - (a) Exhibition Openings: The Art Gallery currently hosts 15-20 opening functions per year. These generally occur in the afternoon between 1-3pm and are attended by between 15-100 people. Occasionally 2-3 times per year these take place in the evenings, commencing around 6pm, begin to conclude around 9:30pm and are concluded by 11pm, and (2 in particular) are attended by between 100-250 people;
 - (b) Corporate Functions: The Art Gallery currently hosts 2-10 corporate functions per year. These generally occur in the evening, commencing around 5pm, begin to conclude around 9pm and are concluded by 10pm, and are attended by between 40-120 people;
 - (c) Concerts: The Art Gallery currently hosts 2-5 concerts/performances per year. These are generally held in the early evening between 5-8pm and are attended by between 40-100 people;
 - (d) Fundraising Events: The Art Gallery currently hosts 1-2 fundraising events per year. These are generally held in the evenings, commencing around 7pm, begin to conclude around 9:30pm and are concluded by 11pm, and are attended by between 60-100 people;
 - (e) Meetings: The Art Gallery currently hosts 12 committee meetings per year. These are generally held in the evenings between 6-9pm and are attended by between 10-18 people;
 - (f) Volunteer/Committee Functions: The Art Gallery currently hosts 2-4 volunteer/committee functions per year. These are generally held in the evenings between 4-8pm and are attended by between 10-30 people; and
 - (g) Talks and Other Events: The Art Gallery currently has 1-4 extraordinary events (eg, a recent talk by Jeff Elston on Crown Lynn Pottery). These are generally held in the evenings between 5-8pm and are attended by between 10-40 people.
- 2.2.45 This land use consent application seeks approval to continue to hold such special functions in the proposed new Museum and Art Gallery, which will generally be held after hours. However, it is important to note that any such special functions will only be those that are ancillary to the Museum and/or Art Gallery. The proposed new Museum and Art Gallery will not be available for hire for private functions.

Source: Ashburton Art Gallery c/o John Rookey, Property Manager, Ashburton District Council, 19 August 2008.



Amended to include maximum hours and numbers of events per year - see conditions.



2.2.46 "Overflow" visitor parking required during larger special functions would be catered for by directing patrons to use the parking in the vicinity of Baring Square West. The TIA attached in Appendix 4 identifies the amount and location of parking available for this purpose.

Landscape Design

- 2.2.47 Landscaping will be established and maintained in accordance with the Landscape Design Plan attached in Appendix 3E.
- 2.2.48 A landscape and visual effects and urban design assessment of the proposal is attached in Appendix 5.
- 2.2.49 Most of the existing vegetation on site will be removed and replaced with the landscaping shown in the Landscape Design Plan attached in Appendix 3E, except for five existing Golden Elm trees on the West Street (SH1) frontage of the site that are to be either retained in or relocated from their existing locations, as shown on the Tree Plan attached in Appendix 3E. However, the landscape and visual effects and urban design assessment attached in Appendix 5 advises that investigation into the potential for transplanting the Golden Elms by a qualified Arborist, cost of relocation, and paving levels will need to be undertaken before the retention/relocation of the Golden Elms is confirmed.
- 2.2.50 As indicated on the Site and Ground Floor Plans attached in Appendix 3A and on the Landscape Design Plan attached in Appendix 3E, it is proposed to install some form of sculpture or art work in the large paved area adjacent to the building entrance, the nature of which has yet to be determined, but which nevertheless forms part of this proposal. Any such sculpture or art work will be designed to comply with relevant District Plan standards, such as height and road boundary setback (in this regard, the possible location of a sculpture or art work shown on the aforementioned plans is indicative only), otherwise either a new land use consent or a variation to the land use consent for this proposal (assuming it is granted) would be sought.

<u>Urban Design</u>

2.2.51 As stated in paragraph 2.2.5 above, the main public pedestrian access is off Cameron Street, although pedestrians can also gain access via the footpath alongside West Street (SH1). A pedestrian crossing will be established across Cameron Street and across the Museum and Art Gallery visitor car parking area to link the site and building with an existing footpath running from Baring Square West through the Cenotaph Reserve which lies generally to the west of the site on the opposite side of Cameron Street. As shown on the Site and Ground Floor Plans attached in Appendix 3A and on the Landscape Design Plan attached in Appendix 3E, there will also be an extensive area of paving around the public entrance to the building and along the West Street (SH1) frontage, where there will also be a footpath, which will provide a pedestrian linkage across the breadth of the site linking the Domain to the east and the pedestrian crossing to the west connecting to Cenotaph Reserve and Baring Square West.





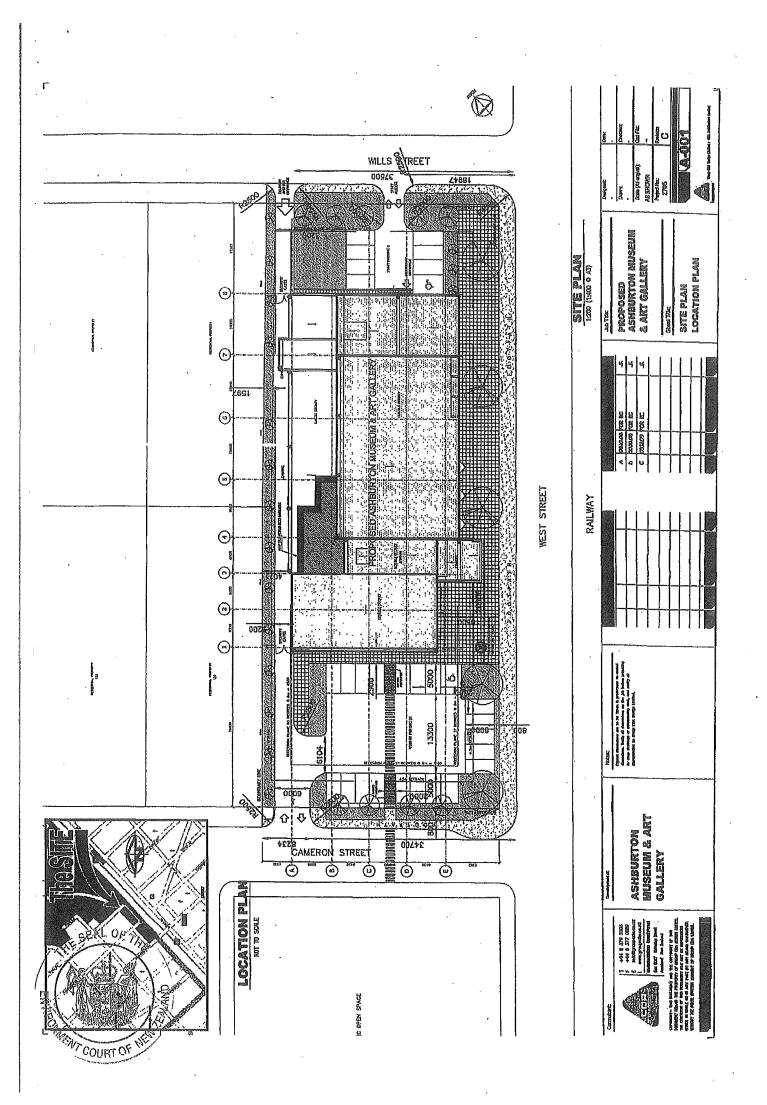
- 2.2.52 In this manner, the site will provide a linkage between other "civic" spaces to the east (Ashburton Domain) and to the west (the Cenotaph reserve, Courthouse, Council office and the Public Library), forming part of a "Civic Precinct" linking Baring Square West and the Domain and linking with existing connections between the parts of the town centre on either side of SH1. The proposal will form an impressive addition to the north-eastern "gateway" to Ashburton already provided by the Domain and Cenotaph reserve.
- 2.2.53 A landscape and visual effects and urban design assessment of the proposal is attached in Appendix 5.

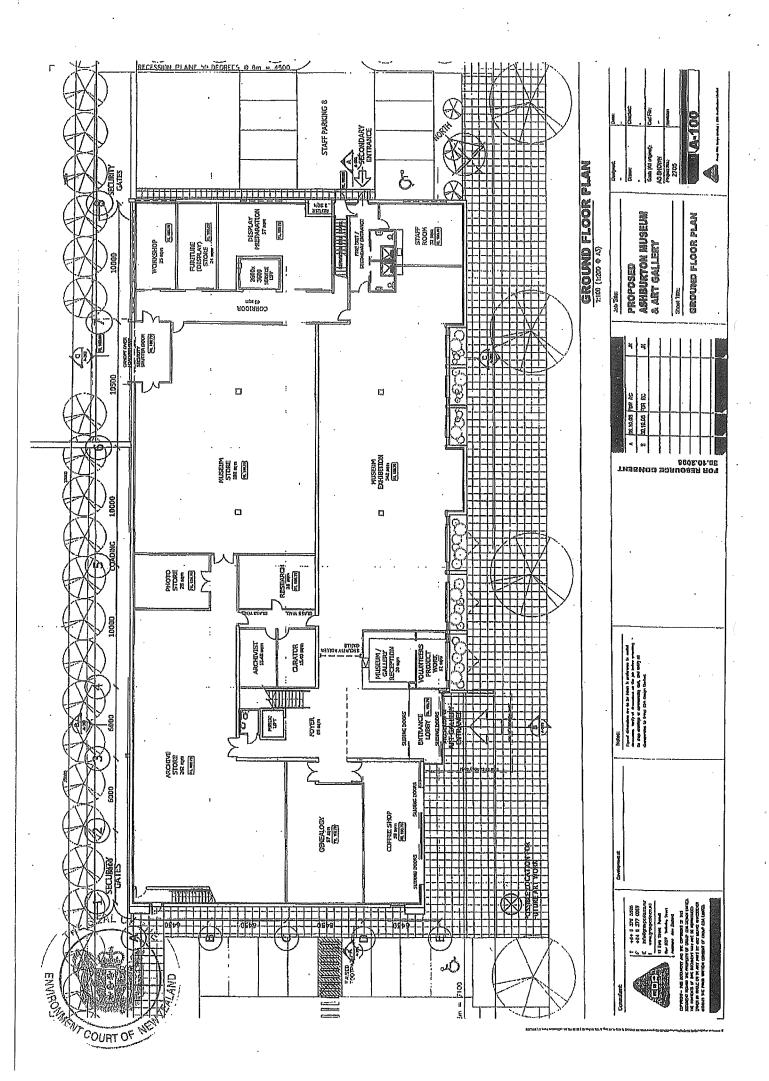
2.3 Site Description

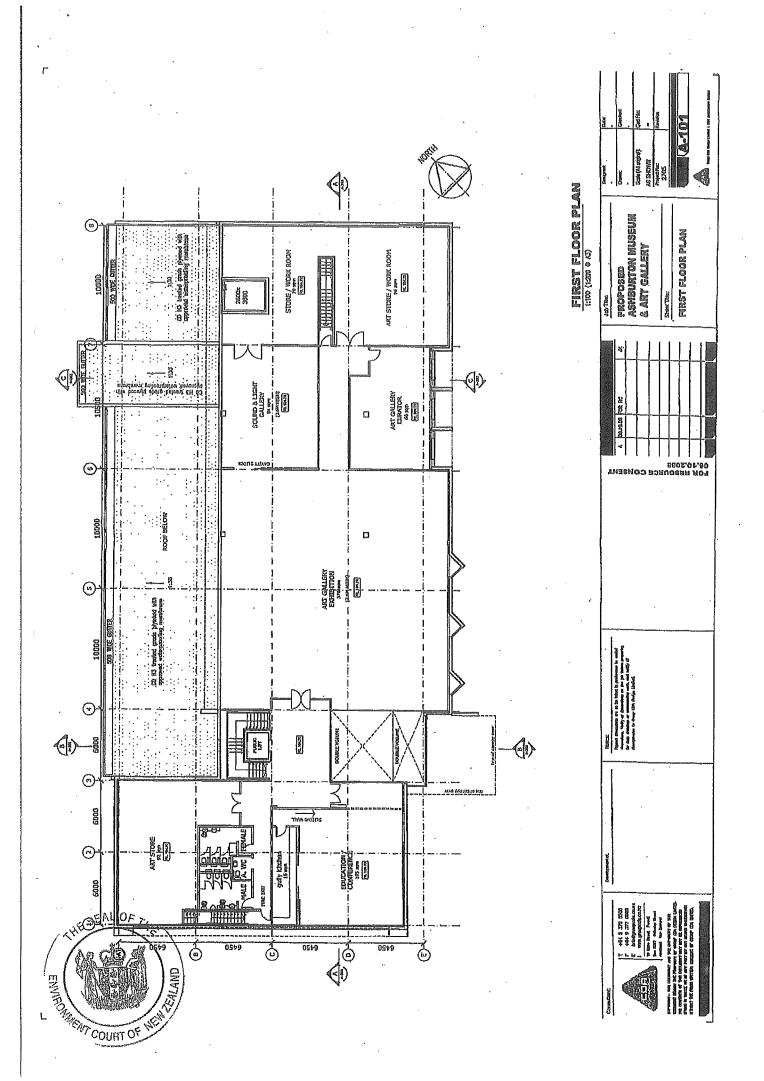
- 2.3.1 As stated in paragraph 2.2.1 above, the site is comprised of four lots of between 1005m² and 1027m² in area, together totalling 4056m² in area, and site location is illustrated in the plans and aerial photo attached in Appendix 2. The site is zoned "Residential" (District Plan Map 59). All four lots are owned by the Council in a single Certificate of Title. A copy of the Certificate of Title for the site is attached in Appendix 6.
- 2.3.2 The four lots that comprise the site are essentially large residential sections. The eastern- and western-most lots are vacant ie, no buildings, and are grassed with sorne trees. The two middle lots each contain a dwelling and associated ancillary buildings; these are rental properties that are currently vacant and the existing dwellings will either be relocated from the site or demolished prior to construction of the proposed new Museum and Art Gallery.
- 2.3.3 The site is bounded by Wills Street, generally to the east; Cameron Street, generally to the west; and West Street (SH1), generally to the south. The properties generally to the north of the site are residential.
- 2.3.4 On the opposite side of Wills Street generally to the east of the site lies the Ashburton Domain.
- 2.3.5 On the opposite side of Cameron Street generally to the west of the site are the Cenotaph reserve, the Courthouse and the Council offices in Baring Square West. West of the Council offices is the Public Library.
- 2.3.6 On the opposite side of West Street (SH1) generally to the south of the site lie the South Island Main Trunk railway line, and an area of vacant grassed railway land. This vacant grassed railway land is designated in the District Plan for "Railway Purposes" and has an underlying zoning in the District Plan of "Open Space" (District Plan Map 59), over which the Council has a licence to occupy, and it currently forms an area of Council reserve.

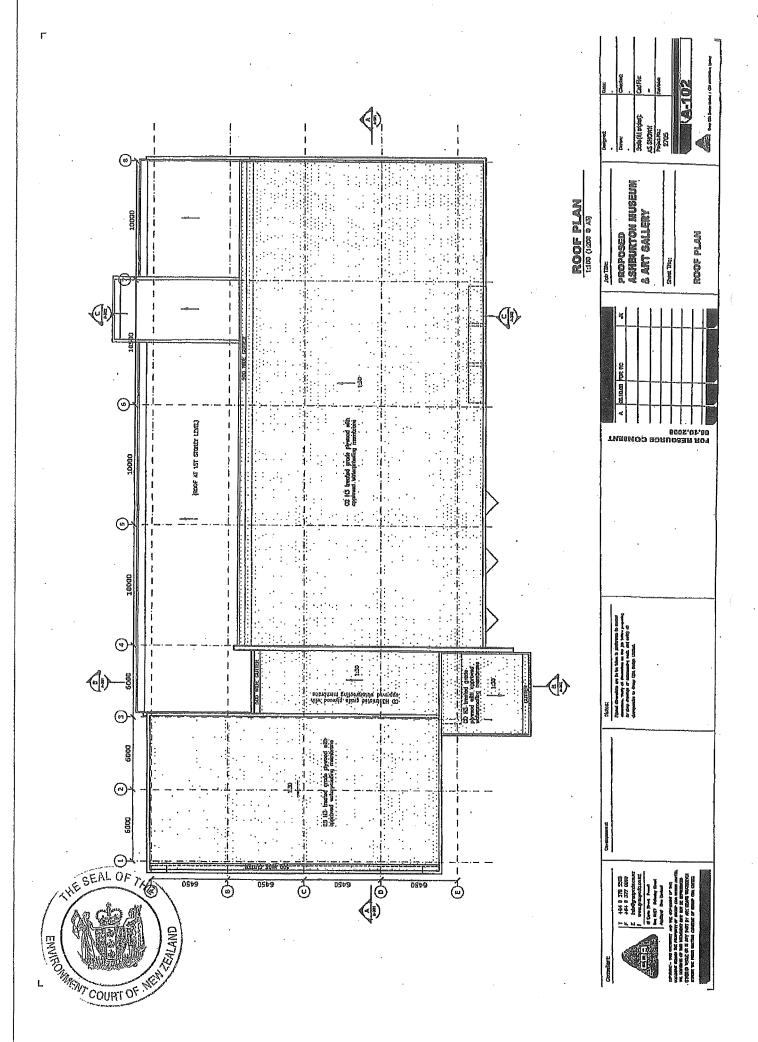


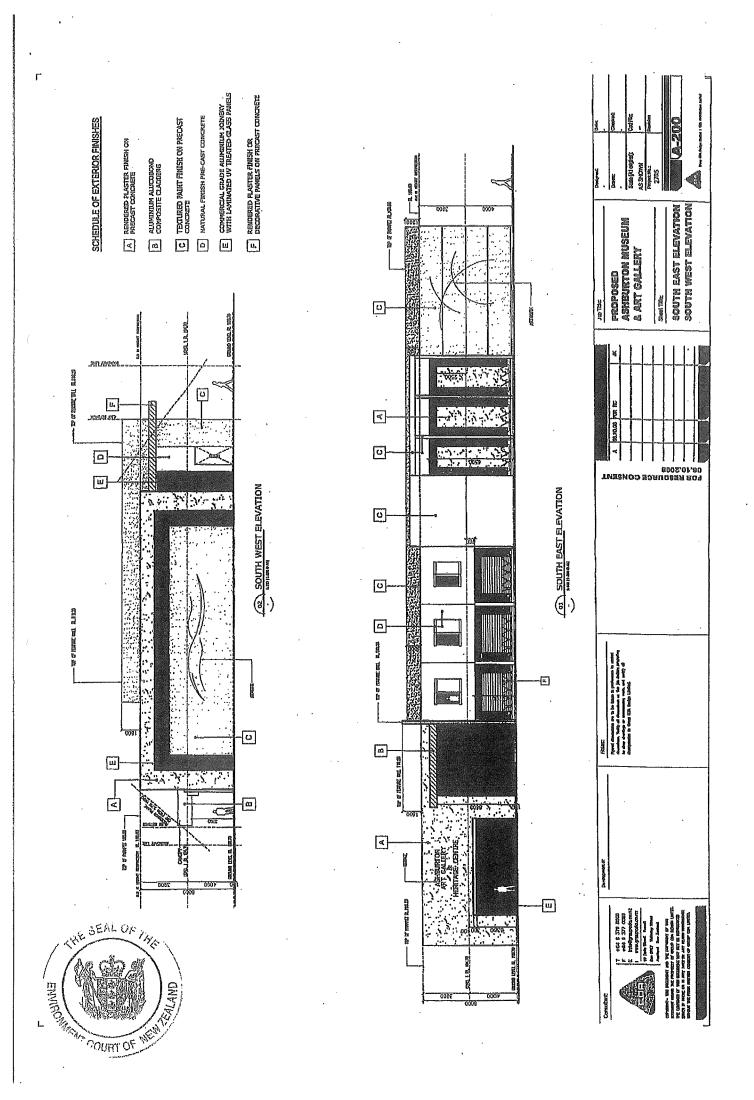


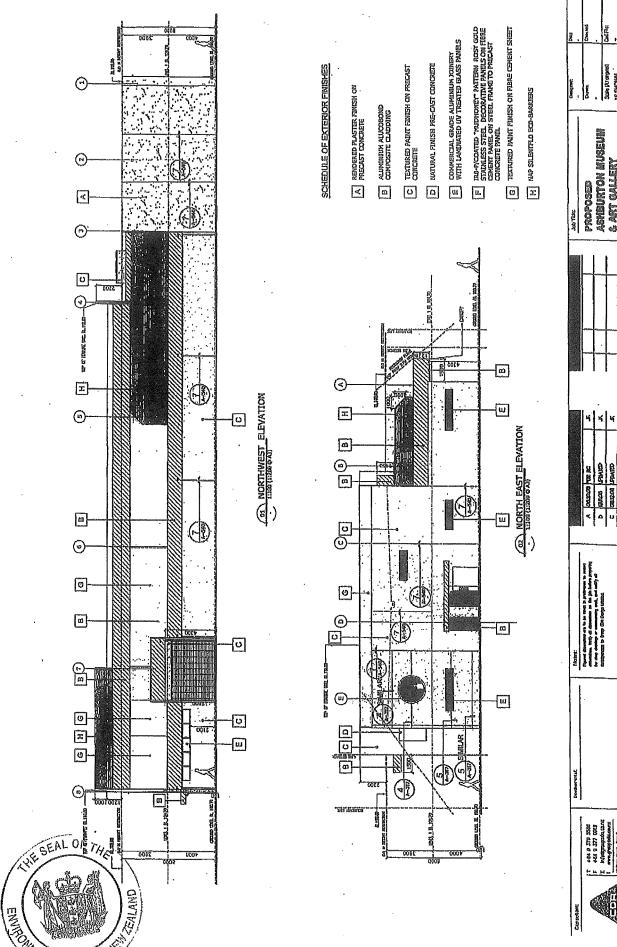




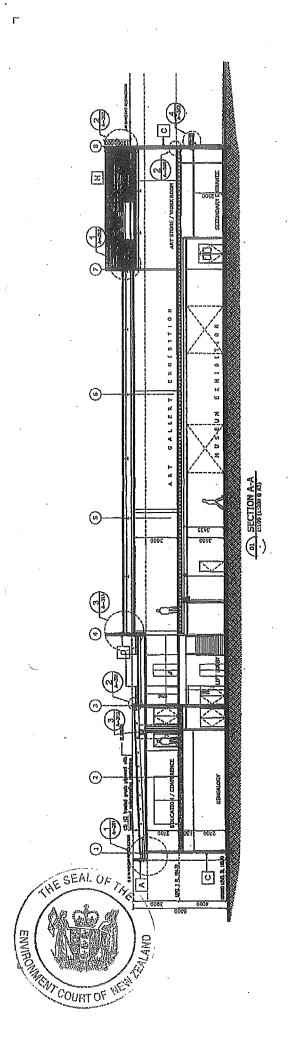








Designac:	Checked	T	CONTRACTOR OF THE PROPERTY OF	G No.			Z-204		Carlo and the Party Carlo Andrew (party)
Josh Tithe:	ASHBURTON MUSEUM C. ART GALLERY ASSIGNMENT A					NORTH EAST ELEVATION			
	A constant for sec	ער משעלט (במאונט) פליים	ट व्यक्तक क्रियाक	D COLLICE OF BECOMMEN	The Mediater Mediaters of the Tarkettics	F MONDO FOR INTERMINAN AN	S 034200 YOU BE		
Noteri	Figured discontinuo den to des tionel de predempera de predempera companya estendiana. Vertir, de casonemos de las jal hodere semporal	که شمې خومکۍ چه دهستوسی ومل وما مطال د شخونوست که لاسې که کمچه دهستان							
Dredoprestat									
Consultant	202 UT + 464 9 TT 3500	T Medical Cons	The state of the s		Assetting then independ	CONTRACTOR MELANTINE AND THE COPPOSED OF THE PROCESSION LINEARS.	THE CONTROL OF Data bendings there work of the properties of the section of the s	WINDS THE PRESE WATER STATES OF SPECE CA SENS.	





A RECAST CONCRETE FINISH ON PRECAST CONCRETE

@

(B) No of Father and Quinas

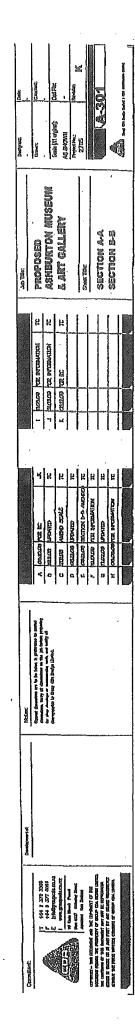
国世

0

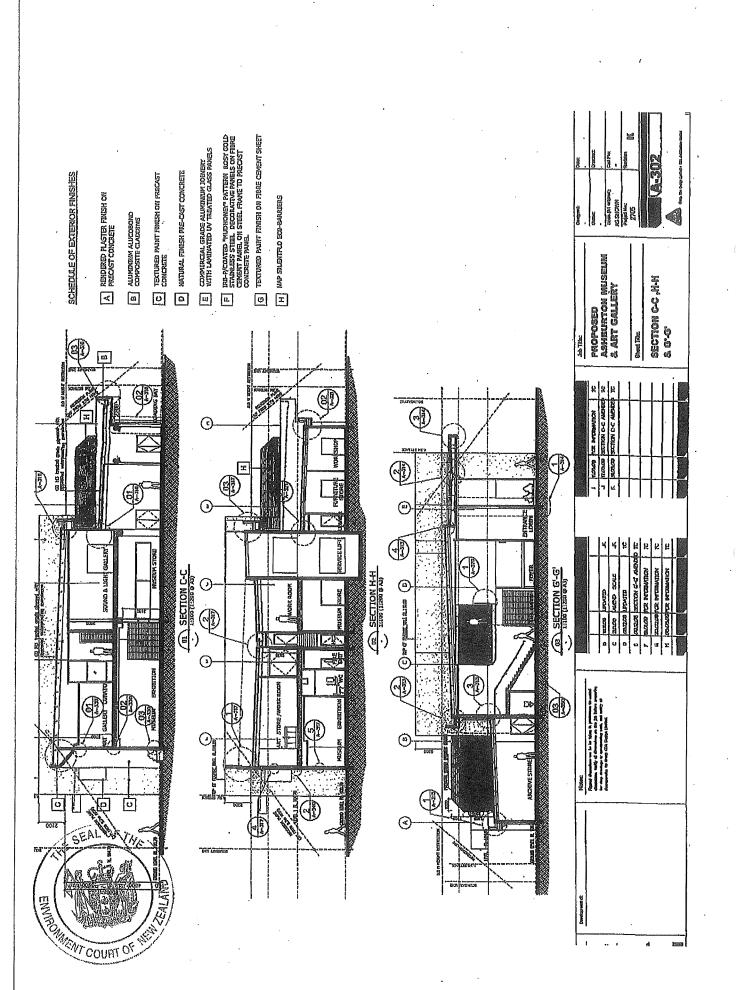
- B ALIMINIUM ALLICOBOND
 COMPOSITE CLADDING
- TEXTURED PAINT FINISH ON PRECAST CONCRETE O
- NATURAL FINISH PRE-CAST CONCRETE 13
- COMMERCIAL GRADE ALDMINIUM JOINERY WITH LANGMATED UV TREATED GLASS PANELS

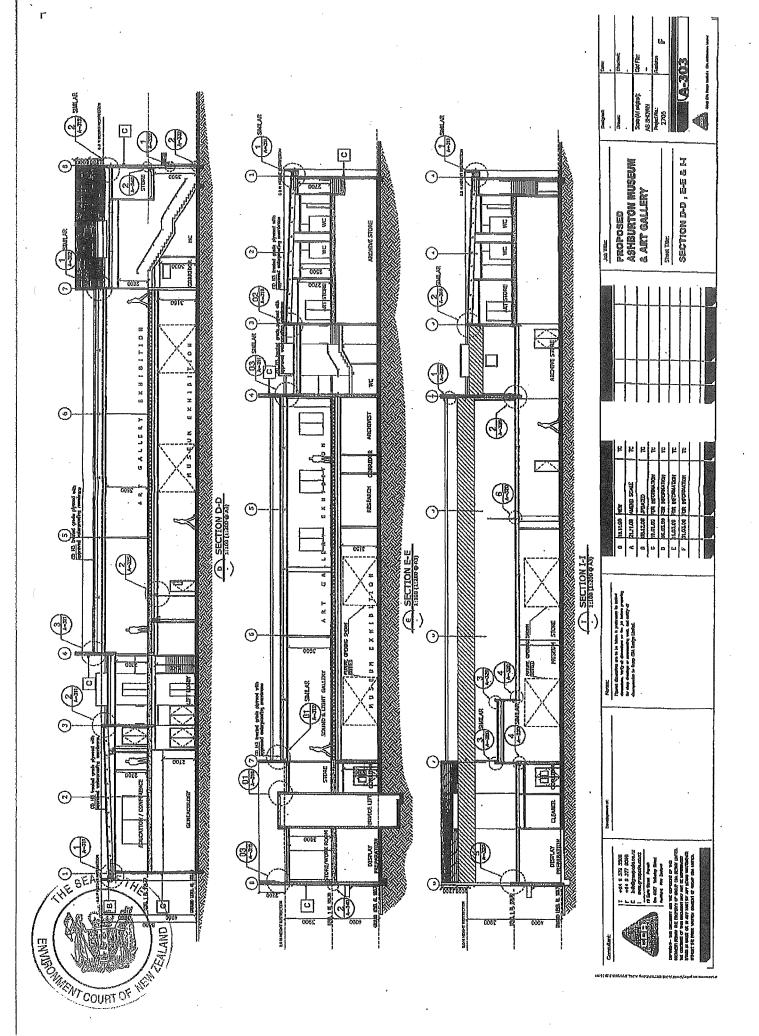
Ó

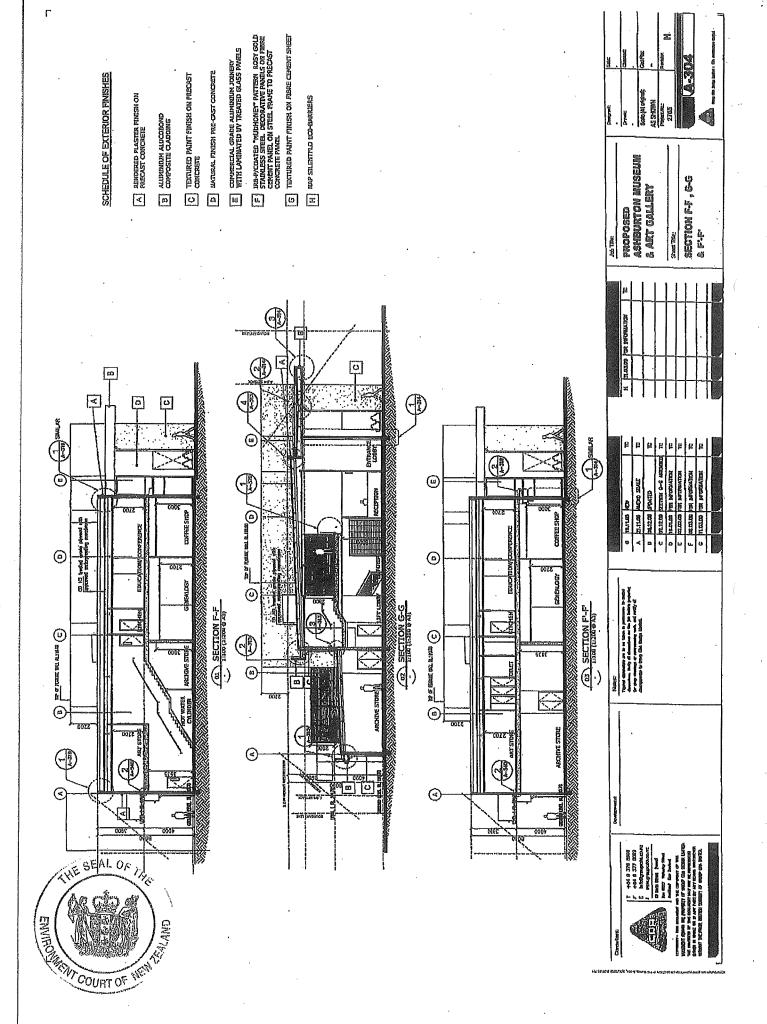
- IRA-P/COATED "MUDHONES" RATIENN ROSY GOLD STANNESS STEEL DECORATINE PANIES ON FIDNE STANNESS STEEL PEARE TO PRECAST COMORETE DAME.
- TEXTURED PAINT FINISH ON FIBRE CEMENT SHEET Ø
 - H MAP SILENTFLO ECD-BARRIERS

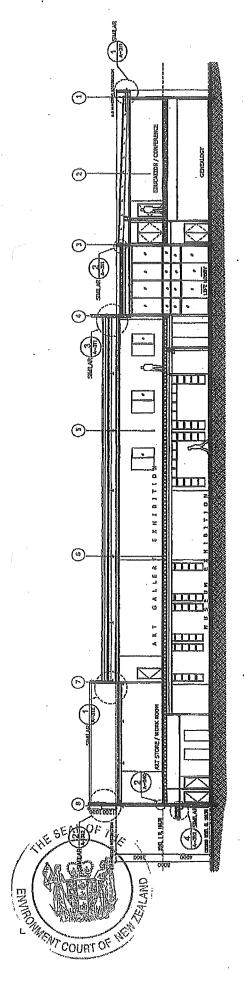


(RZ SECTION B-B









OI SECTION J-J

SCHEDULE OF EXTERIOR FINISHES

RENDERED PLASTER FINISH ON PRECAST CONCHETE

B ALUMINIUM AULCOBOND

C TECTURED PAINT FINISH ON PRECAST

D NATURAL FINISH PRE-CAST CONCRETE

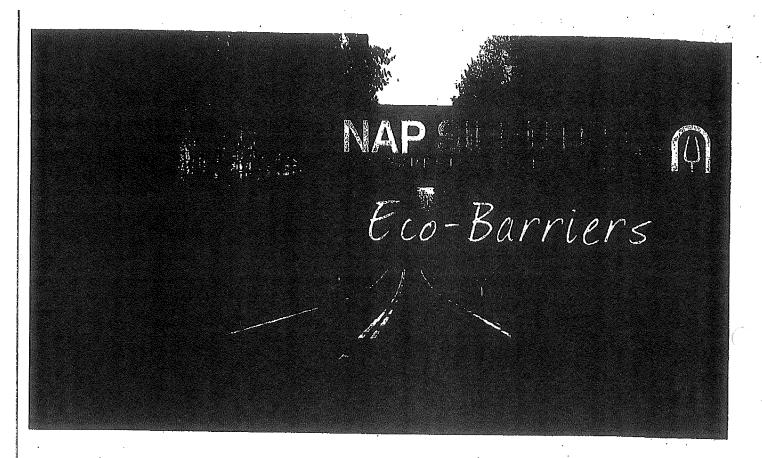
COMMERCIAL GRADE ALIMINIUM JOINERY EN WITH LAMINATED IN TREATED GLASS PAR

IMP-P/COATED *MUDHONEY PATTENN ROSY GOLD STANKESS STEEL DECORATIVE PAKELS ON FIBRE CEMENT RANEL ON STEEL FIAME TO PRECAST CONCINCTE PARIE. E.

[6] TEXTURED PAINT FINESH ON FIBRE CEMENT SHEET

H NAP SILENTFLO ECT-BARRIERS

proposed Ashburton Museum & Art Gallery SECTION 1-



ENVIRONMENTALLY FRIENDLY NOISE BARRIERS



With new freeways, roads and rallways passing through high density urban areas and noise sensitive residential areas the increasing noise levels of environmental noise is of major concern.

NAP Silentifio's Eco-Barriers have been specifically developed with this problem in mind. They are designed for use in a wide range of applications and conditions.

Unlike many commonly used barriers that also reflect unwanted noise the Eco-Barriers come with absorptive faces to reduce unwanted reflected noise. They are a highly effective high performance absorptive type barrier.

A wide range of colours and patterns is available.

CONSTRUCTION

NAF Silentilo's environmentally friendly Eco-Barriers are fabricated using recycled plastic waste in high density polyethylene/polypropylene. The modular panels feature a high performance inert fire resistance acoustic infill.

A range of patterns, colours and visual effects are available to ensure that the pariets are aesthetically pleasing and blend in with the environment. The unique construction results in high structural strength about plant.

TYPICAL BARRIER SIZES





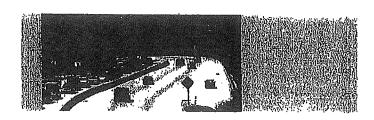




SPECIAL FEATURES

NAP Silentflo's unique Eco-Barriers have a number of advantages:

- Environmentally friendly, made from recycled materials
- Do not absorb moisture
- Resist most chemicals
- Will not swell, rot or delaminate
- Excellent weather and corrosion resistance
- High UV resistance
- Does not promote mould or bacterial growth
- Anti-graffiti
- Low maintenance
- Easy clean, non-stick surface
- Colour fully impregnated
- Excellent absorption characteristics
- Minimal noise leakage due to special interlocking system



Molbronie 300A Cheser st. Oakleigh 3166 | PH 613 9630 9211 FAX: 613 9530 9311 Sydnovice Boyonii of Presions 2170 | PH 612 9712 6722 FAX 612 9712 0822

Cooke Industries. Phone: +64-9-579 2185 Fax: +64-9-579 2181 Email: salas@cookeindustries.co.nz Web: www.cookeindustries.co.nz

COURT OF N

- Subject of the Process of the

ECO SBARRIER PERFORMANCE:
NAP Eco Barriers provide excellent transmission loss performance to ansure that noise does not percentate the barrier. Devials nave high acoustic absorption performance this ensures that unwanted noise is not reflected by the parrier.

The parters have been tested in an independent government laboratory in accordance with nationally recognised standards.

The performance of the standard barrier is as follows:

125 250 500 1k 2k O/Afi Transmission Loss 15 17 43 31 STC Absorption Goefficient 0.28 0.88 0.89 0.43 0.25 0.11 0.61 NRC

Alternatively custom parriers can be supplied with improved performance or specific performance or are trivial to suit special applications.



A Charles Coline

transpir Stain



ECO - BARRER OPTIONS:

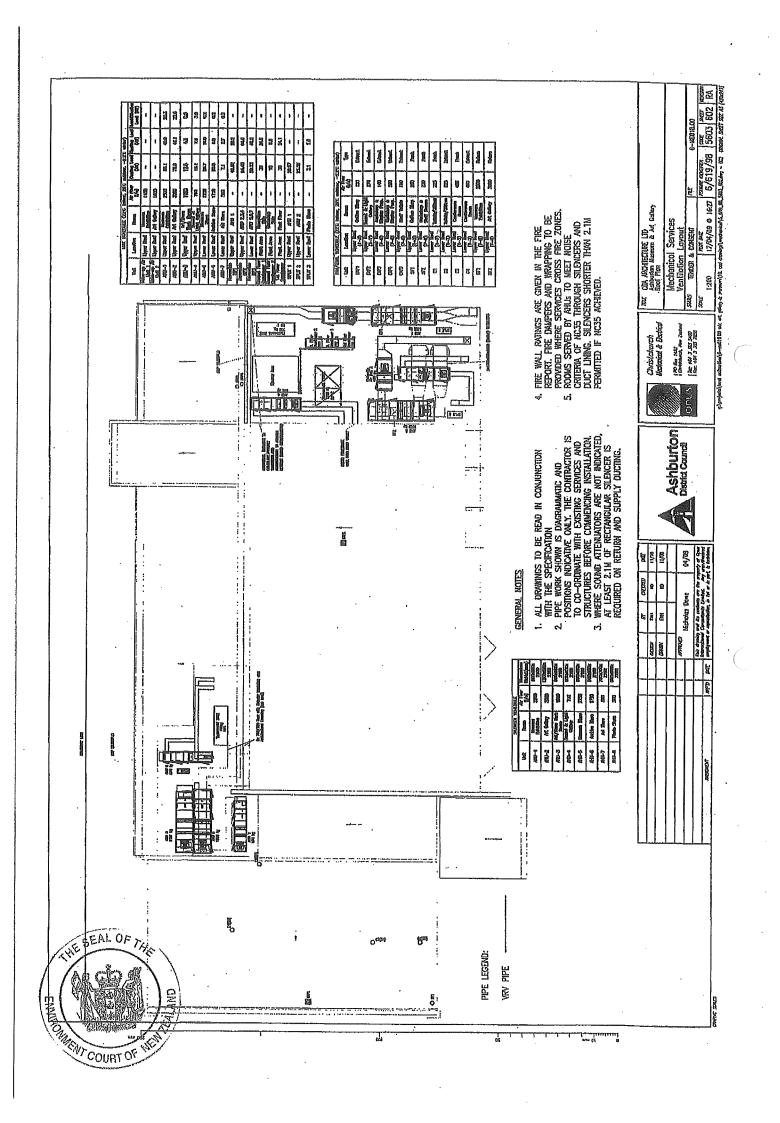
The Legister and again able to a facility of \$200, 2000, goldens, to must be could be be up to office the Thorse talks of the femore

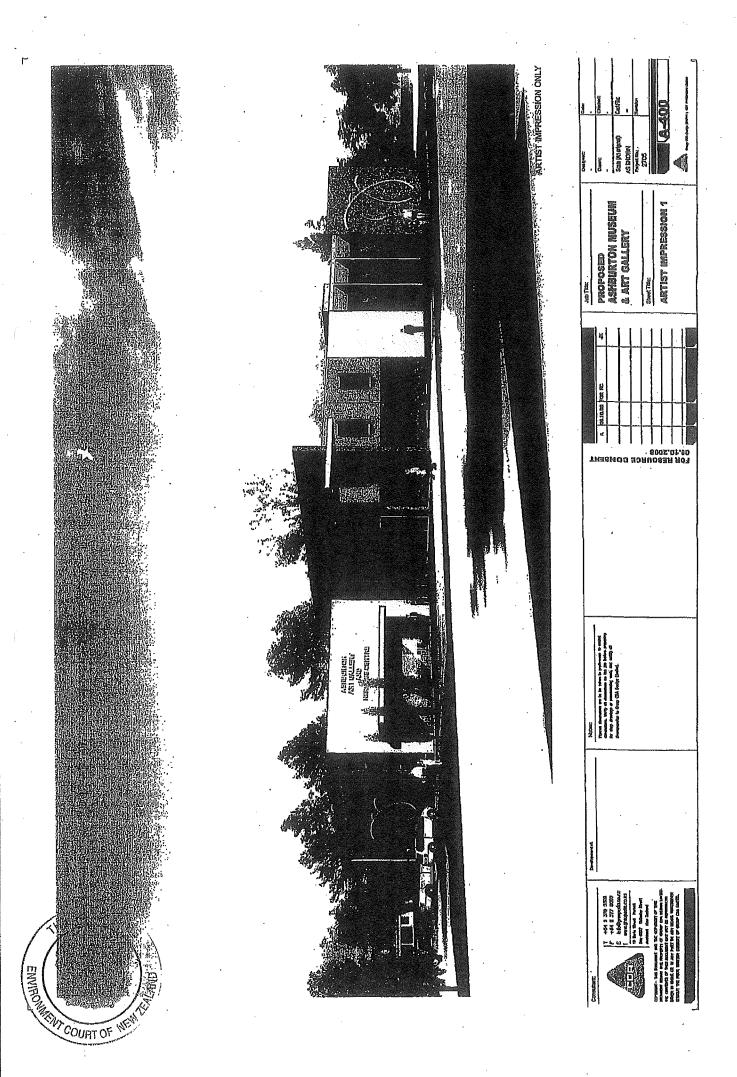
The beautiful even be configured to and difficult renewal to dicension to all profiles. Custom designs are also available because like out on careque propherations

Med Malacette, in the Reading George production another large of assessment about divine this the Coutbern Herpegaliges. For Italia del Cabran Mais Lan Parriges, incluenti appointed that options, to finish defails and showing epine, adultice



Represented by:





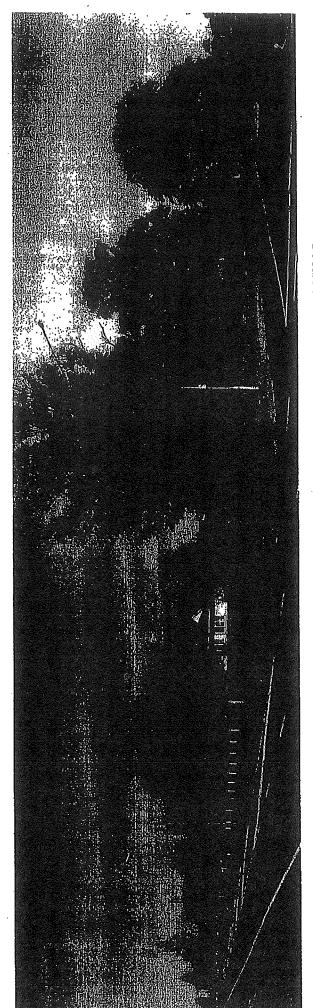
ENVIRON COURT OF



Constitut

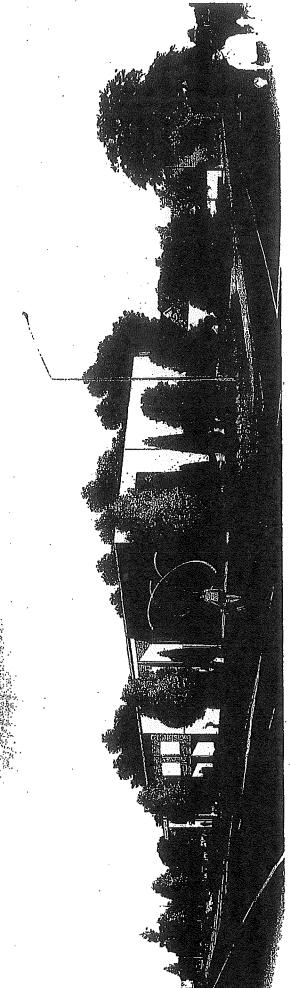






ASHBURTON MUSEUM & ART GALLERY - VIEW 1 EXISTING

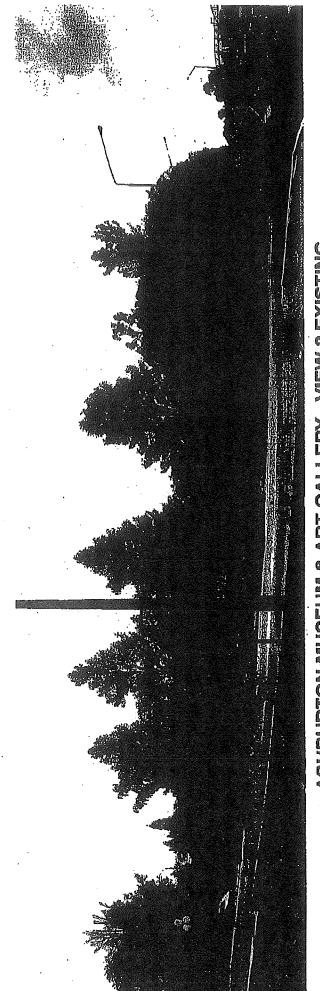




ASHBURTON MUSEUM & ART GALLERY - VIEW 1

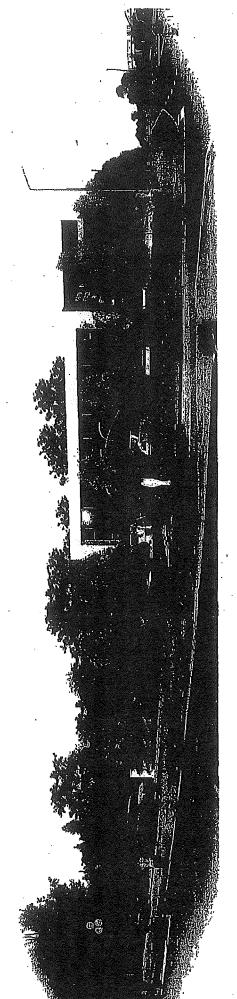






ASHBURTON MUSEUM & ART GALLERY - VIEW 2 EXISTING

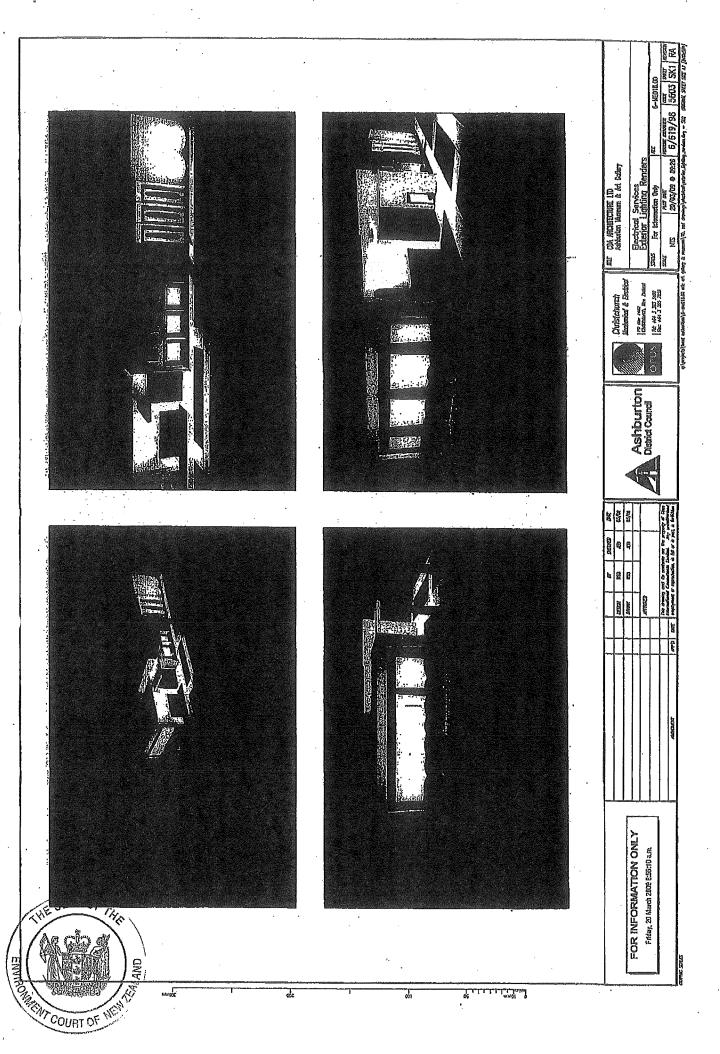


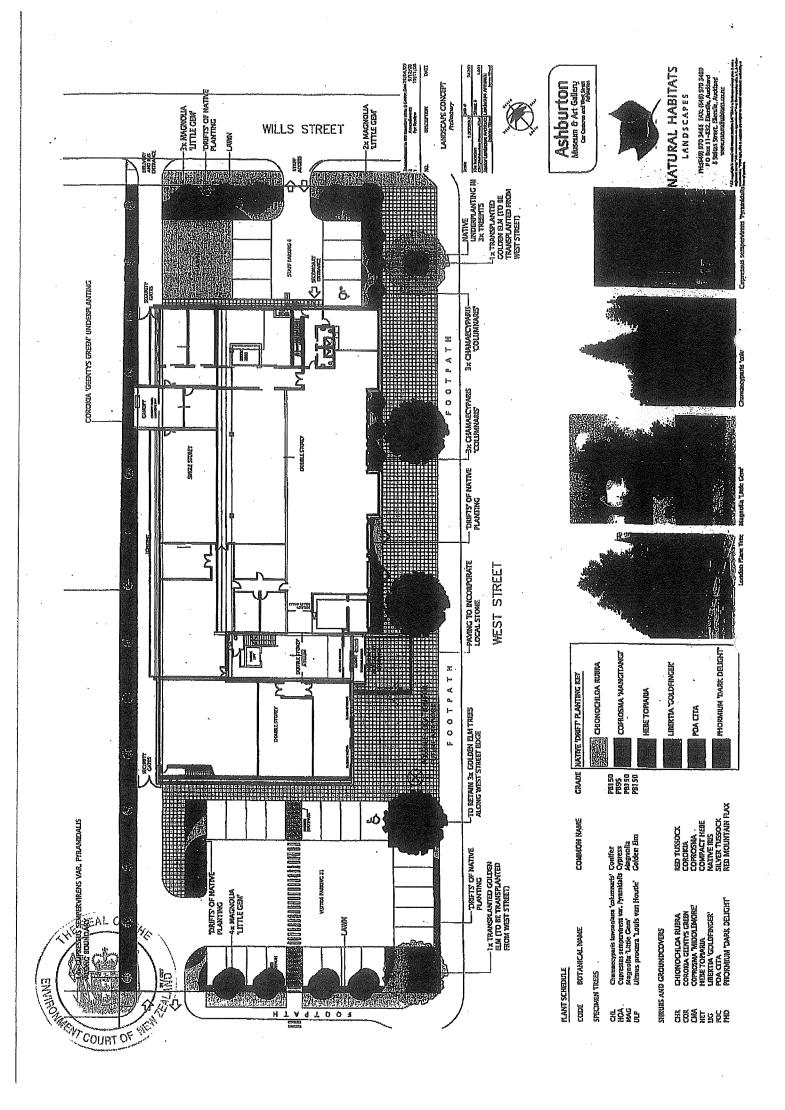


ASHBURTON MUSEUM & ART GALLERY - VIEW 2











Values in Lux, Scale 1:739

30,04,2009

Opus International Consultants

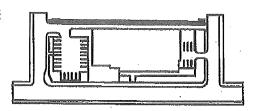
20 Moorhouse Avenue Christchurch 8011, New Zealand Operator Ben Sitzia Telephone +64 (03) 363-5685 Fax +64 (03) 365-7858 e-Mail

Ashburton Art Gallery Site / Calculation Surface 1 / Value Chart (E, Perpendicular)

	tonionen a ca	atomic ontentions	terteresco-ectur-														
T	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.02	0 N4	0.00		T 6.00 m
	CONTRACTOR OF THE PERSONS ASSESSMENT	beath-reverse.	part metrone	-	D		4,00	COLUMN TO STATE OF THE PERSON STATE OF THE PER	COLUC	PERSONAL	Oluo	01069	OIVE	O.O.I	VIVO	- 1	1.000 III
L										•						- 1	Ĭ
0.50																	
0.00													น.นบ				
'n	nn.															8	
0.00													03.37 m				

Not all calculated values could be displayed.

Position of surface in external scene: Marked point: (44.667 m, 27.320 m, 6.000 m)

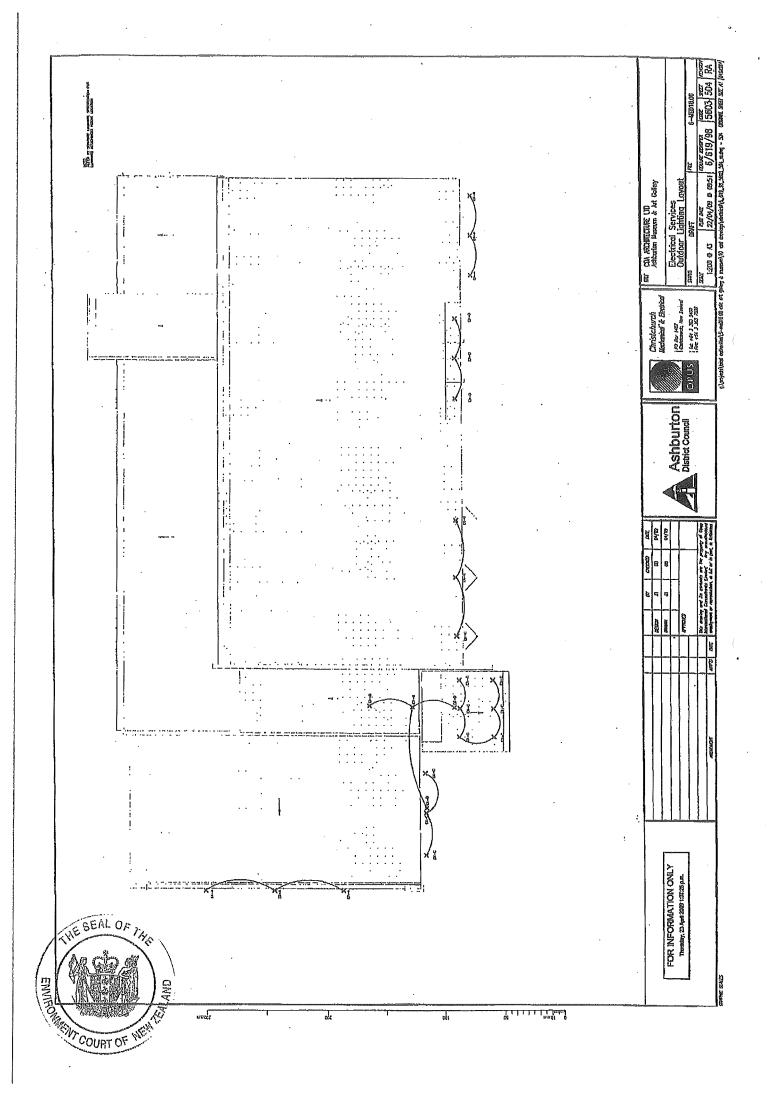


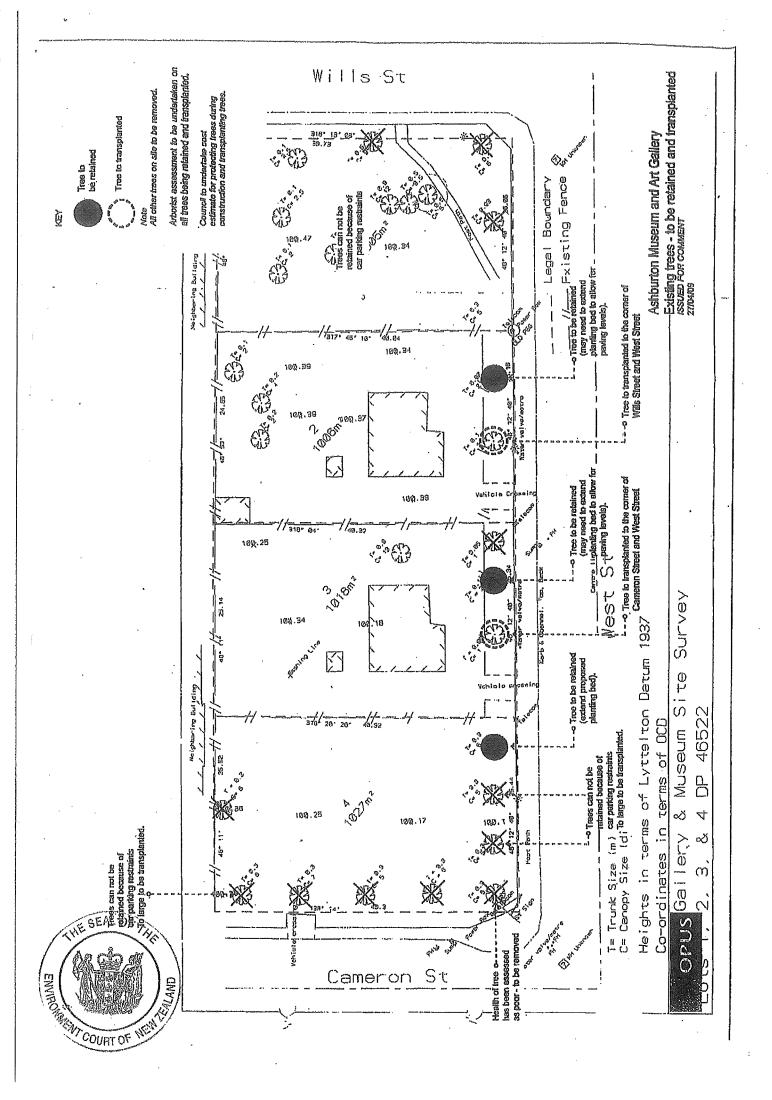
Grid: 2 x 32 Points

E_{av} [lx] 0.00 E_{min} [lx] 0.00 E_{max} [lx] 0.04

u0 0.123 E_{min} / E_{max} 0.013



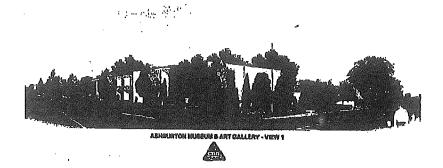




ATTACHMENT B

Draft Construction Management Plan framework





Ashburton Art Gallery/Museum Ashburton

CONSTRUCTION MANAGEMENT PLAN

Dec 2009

Ashburton Art Gallery/Museum Construction Management Plan December 2009



SECTION 2 PROJECT/OVERVIEW

SAIPROXECT DESCRIPTION

The Project includes the construction of a Two level Art Gallery & Museum and associated site works

31122 This Plan covers the following phases:

- -Enabling Works
- -Demolition
- -Pilina/Foundations
- -Superstructure
- -Cladding
- -Interior Fitout
- -Siteworks

3/2/CONSTRUCTION METHODOLOGY

During the course of the project, relevant controls and procedures will be put into place to avoid, mitigate and remedy the effects of construction and associated activities and to ensure compliance with the relevant conditions of Consent.

3.22 ENABLING WORKS

Enabling works include;

- Establishment of Site Office
- Erection of hoardings, fencing as required
- Clearing of the section
- Site services establishment
- Erection of safety signage, site access signage etc

31213 DEMOLITION

Removal of the existing dwellings falls under a separate contract, and does not form part f this draft CMP. However the Main Contractor will have associated enabling works with the site to allow plling/foundation works to commence.

3.2.4 PLING/FOUNDATIONS

Contractor to undertake necessary foundation works to Engineers specification. The substructure works in summary consist of a shallow excavation to facilitate ground slab works, and localized trenching for foundations. The proposed foundations are reinforced concrete strip footings. Trenching is proposed to be by wheeled back- hoe digger

Ashburton Art Gallery/Museum Construction Management Plan December 2009



SECTION SIE GONSTRUCTION MANAGEMENT PROCEDURES

AID GONTROLS DURING CONSTRUCTION

Prior to and during Construction the successful Contractor will be responsible for the approval, implementation and compliance of the below procedures and plans to Councils satisfaction;

- -Access
- -Craneage
- -Dust
- -Emergencies
- -Environmental Management
- -Existing Services
- -Health and Safety
- -Heritage Features
- -Hoardings at Boundary
- -Hours of Work
- -Liaison
- -Noise/Vibration Management
- -Parking
- -Public Safety
- -Security
- -Silt and Sediment
- -Site Accommodation
- -Surveys
- -Traffic Management
- -Waste Management

Amanda Douglas Wynn Williams & Co P O Box 4341 DX WP21518 Christchurch

Andrew Schulte
Cavell Leitch Pringle & Boyle
P O Box 799
DX WP20335
Christchurch

C Carranceja Buddle Findlay - Christchurch PO Box 322 DX WP20307 Christchurch

Edward Wood 86 Wills Street Ashburton 7700 Data Services Limited P O Box 147-245 Ponsonby AUCKLAND 1144 RMA Net P O Box 64 Albert Town 9344 CENTRAL OTAGO

Ashburton Guardian PO Box 77 Ashburton 7740

Ashburton's The Courier PO Box 12 Ashburton 7740