# Before an Independent Commissioner appointed by the Ashburton District Council

In the matter of the Resource Management Act 1991 (the Act)

And

In the matter of an application for resource consent under section 88 of the

Act

And

**In the matter of** 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.

# **Brief of evidence of Stewart William Fletcher**

Dated: 30 September 2025

AJS-635532-164-41-V1-e



Andrew Schulte (andrew.schulte@cavell.co.nz)

Counsel for respondent

#### **Evidence of Stewart William Fletcher:**

#### Introduction

- 1. My name is Stewart William Fletcher
- 2. I am a Consultant Planner and have been practicing as a Planner for approximately 27 years. I have a Bachelor of Resource Studies from Lincoln University and am a full member of the NZ Planning Institute.
- 3. I have worked in a number of planning roles and have operated my own consultancy for the past 14 years.

#### Code of conduct

4. In preparing my evidence I have reviewed and agree to comply with the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. This evidence has been prepared in compliance with the Practice note. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses, which I will specify. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

# Scope of evidence

- 5. The purpose of this evidence is to assist the Commissioner in their consideration of a resource consent application to relocate air conditioning equipment for the Ashburton Art Gallery and Museum.
- 6. A key element to this application is that the purpose of the proposal is to enable the continuation of an existing activity. The proposal includes physical changes to the site but these changes will not change the nature of activities undertaken on the site or the capacity of the building. This limits the range of effects to be assessed in considering the proposal and also provides a significant consented baseline in assessing the proposed activity.
- 7. My evidence is structured as follows:
  - Description of the Site
  - The Proposal
  - Reasons for Resource Consent Being Required

- Submission
- Preliminary Matters
- Effects of the Proposed Activity
- Objectives and Policies of the Ashburton District Plan
- Resource Management Act 1991
- Conditions of Consent
- Conclusion
- 8. In preparing this evidence I have reviewed and considered the following:
  - a) The resource consent application and associated appendices.
  - b) The notification assessment prepared by Mr Boyes on behalf of the Ashburton District Council.
  - c) The submission on the resource consent application by the group of notified parties.
  - d) The section 42A and recommendation report prepared by Mr Nick Boyes including associated appendices.
  - e) The evidence of Acoustic Specialist Mr Jon Farren.
  - f) The evidence of Mechanical Engineer Mr Samuel Seatter.
  - g) The evidence of Property Manager Ms Renee Julius
- 9. As part of my evidence I have also attached an up to date set of application plans (Appendix 2).

# **Description of the Site**

- 10. The site is located at 329 West Street in Ashburton. As previously noted, 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.
- 11. The art gallery and museum was legally established by Resource Consent LUC09/2005 and was officially opened in February 2015. The evidence

- of Ms Julius provides a detailed description of the site and the operation of equipment on the site.
- 12. 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.

# The Proposal

- 13. Resource consent is sought to replace and relocate air conditioning equipment at the Ashburton Museum and Art Gallery at 329 West Street in Ashburton. A resource consent is sought for the new location for the air conditioning equipment and in addition a variation is sought to amend relevant conditions of the existing resource consent for the Art Gallery and Museum to provide for the proposed activity.
- 14. A detailed description of the proposal is contained in the resource consent application and in the Planning Hearing Report. To avoid repetition, I do not detail the proposal further in my evidence and instead rely on these previous descriptions. No changes to the proposed activity as notified are proposed or sought.

# **Reasons for Resource Consent Being Required**

- 15. The resource consent application, notification assessment and planning hearing report detail the reasons for resource consent being required. The proposal is unique as it triggers the need for resource consent outright, primarily due to the size of the enclosure area, and a variation to the previous resource consent is required to enable changes to the existing conditions of consent. Mr Boyes and myself agree as to the discretionary activity status of the proposal.
- 16. The joint submission expresses concern that a reliance is placed on section 127 of the Resource Management Act 1991 and that the scale and nature of the proposal go beyond what section 127 is intended to cover. Section 127 contains no reference to the scale and nature of change but, as per above, it is noted that a new resource consent is sought to enable the erection of a structure which will be used as part of a community activity. The approach taken in the resource consent application is considered to be clear. A new resource consent to provide for the proposed activity is sought but changes to the conditions of the original resource consent are also sought.

17. The overall status of the proposed activity is discretionary which enables unrestricted consideration of the resource consent application.

#### **Submission**

- 18. The applicant requested that the application be processed on a limited notified basis. Accordingly, the application was limited notified to a group of six landowners. Those landowners lodged a joint submission in opposition to the proposal. The submission has been provided to the Hearings Commissioner and considered in the Planning Hearing Report.
- 19. I do not summarise the submission here and instead refer to the various submission points throughout my evidence.

# **Preliminary Matters**

20. In reviewing the Planning Hearing Report and the joint submission, there are various points that I consider to be useful to first address prior to providing further assessment of the proposed activity. These points are as follows:

# Matters that can be Assessed

- 21. The joint submission suggests the need to consider alternative options and suggests there has been a failure to honour a side agreement.
- 22. The Resource Management Act 1991 provides the ability to assess alternative locations and methods when it is determined that a proposal will result in a significant adverse effect on the environment (section 6 of the Fourth Schedule). Neither Mr Boyes or myself, or the noise experts, have concluded that the proposal will result in significant adverse effects and it has instead been determined that any adverse effects on the environment will be minor.
- 23. I also note that Ms Julius has detailed how the design of the proposed activity was determined. In my opinion, the applicant has undertaken meaningful consideration of alternative locations and methods, and consulted on this basis. As a result, it has been determined that resource consent should be sought for the proposal now before the Commissioner.
- 24. In my opinion, on the basis of the nature of the proposal and the scale of effects on the environment, consideration of alternative options is

- not required but I also recognise that the applicant has undertaken consideration of alternatives.
- 25. In consideration of the side agreement between parties, such an agreement is in place and the applicant continues to act in good faith with that agreement. That agreement no longer prohibits the applicant from applying for this resource consent. The agreement is also a private matter between the applicant and neighbours. The Hearings Commissioner does not have the legal ability to assess and rule with regards to the side agreement and it is therefore not a relevant consideration in assessing whether or not resource should be granted.

# **Existing Non-Compliance**

- 26. The acoustic report, and peer review, record existing noise levels from the temporary air conditioning system on the roof of the building which suggests that the existing equipment does not comply with current conditions of consent. The evidence of Ms Julius details the ongoing failure and temporary replacement of air conditioning equipment. The existing arrangement is suboptimal for Council given the changes that have had to be made to the HVAC system in recent years to keep the building operational. I understand that the various interim measures taken have contributed towards the existing acoustic non-compliances.
- 27. I have enquired as to whether the Council compliance team has received any enquiries or complaints regarding the application site and have been advised that there are no recorded enquiries or complaints.
- 28. It is not the role of the Hearings Commissioner to visit or address the issue of the existing non-compliance, but it is suggested that the fundamental purpose of the resource consent application, including variation, is to rectify an existing situation. The applicant has identified a problem and is seeking to correct it. It is not proposed to increase the scale of activities on the site or change the nature of the use of the site. The proposal seeks to enable the continuation of an existing activity and that air conditioning is provided to ensure the building operates to the standard required for an Art Gallery and Museum.
- 29. This becomes important when considering cumulative effects, as raised in the joint submission. It is agreed that cumulative effects are a relevant consideration but care is required because this proposal is not seeking to enable a change to how activities are conducted on the site. For example, an extension is not sought enable a larger gallery space or

larger gatherings. Therefore, while I consider cumulative effects should be considered, and are addressed later in my evidence, reflection is required as to the purpose of the resource consent application.

# **Conservative Acoustic Assessments**

- 30. In assessing the resource consent application and potential noise effects it is appropriate to assess the proposal on the basis of the worst-case scenario. As an example, the acoustic assessment and evidence of Mr Farren is based on all air conditioning equipment operating at the same time. This is the correct approach and is necessary, but it is important to understand how the system will operate on a day to day basis and the noise effects from this.
- 31. Temperature control and air flow within the gallery and museum will vary across the day. A variety of factors influence the operation of systems, such as outside temperatures, time of day and activities occurring within the building. Therefore, when the planning hearing report examines noise levels at 2.45am one also needs to be mindful that the level of noise being generated is based on the worst case scenario. A typical nighttime period is likely to include doors being shut, and a lower consistent temperature being maintained. This could result in lower noise levels as not all air conditioning equipment will need to operate. The evidence of Mr Seatter includes details as to the likely numbers of equipment which will be operating at various times. The observation that not all equipment will be operating at the same time confirms that acoustic noise levels will likely be lower than calculated in the acoustic assessments / evidence.
- 32. I agree that a conservative or worst-case scenario needs to be applied but it is important that all parties, particularly neighbours, understand that conservative modelling has been undertaken. This means that there is a 'real world' potential that lower noise levels can be realistically anticipated.

# **Reason for Acoustic Conditions**

33. The Planning Hearing Report details the background to condition 28 including that the condition was a reflection of the District Plan Rules that applied at that time that the resource consent application was processed. I have checked the District Plan that applied at that time and can confirm the acoustic rules are consistent with the conditions of

- consent. A copy of the relevant acoustic provisions of the former District Plan are attached (see: **Appendix 1**).
- 34. Matters to be considered through this resource consent application process include the change in effect between the proposal and the conditions of consent as they currently stand. This is undertaken later in my evidence, however context behind the conditions of consent can be useful.
- 35. As noted, current condition 28 reflects the District Plan provisions that applied at that time. The condition is not specific to the consented activity or 'tailor made'. At the time of the original resource consent approval, it may have been determined to be important to include the acoustic standards as a condition of consent but, as per above, the condition did not impose a higher or more stringent standard than applied in the district plan of the time. The condition reflects what was considered to be an appropriate acoustic standard for residential areas at that time.
- 36. The report of Mr Boyes details that the acoustic rules were known to be overly stringent. Acoustic evidence provided for the applicant also makes it clear that 30dBA is unduly restrictive, particularly given the existing acoustic environment the application site is located within. In time the rules were updated, as per the provisions of the now operative District Plan.
- 37. Therefore, the rules in the newer District Plan were updated to reflect what was considered to be appropriate noise levels in a residential zone. The proposal is now seeking to be consistent with up-to-date District Plan provisions. The proposal is not seeking to exceed what modern plan rules now consider to be appropriate and, as per above, Condition 28 does not represent a specialised condition determined only for the original proposal.

# Comparison of Noise Levels

- 38. In comparing noise effects there is the opportunity to compare the noise effects from the proposal against the existing environment. There is a consensus between acoustic experts that the noise from the proposed activity will reduce when compared to existing noise levels.
- 39. In my opinion, acknowledgement of the existing acoustic environment can be undertaken but current noise levels are not part of the consented baseline. Acoustic assessments and measurements are focused on plant

- noise only, and not the whole existing environment, which is the appropriate approach.
- 40. It is my opinion that it is useful to be able to compare and understand the scale of change. For example, the submitters can now consider the current noise from the operation of the equipment and understand that the noise will reduce as a consequence of the proposed activity. Having this comparison is useful but, in assessing acoustic effects, the focus is to understand the difference between the permitted maximums specified in the condition of consent and what is proposed.
- 41. On the basis of the above preliminary matters, the effects of the proposed activity are assessed below:

# **Effects of the Proposed Activity**

- 42. In assessing the effects of the proposed activity I recognise that the application site is zoned Residential A and that there is an existing resource consent in place that controlled how the application site was developed and continues to control the operation of activities within the site.
- 43. Existing activities on the site are not residential in nature, they are a community activity. Neighbouring residential properties have an interest in any changes to the site and the operation of activities within the site. This is because residential activities have a greater sensitivity to environmental effects, such as noise.
- 44. The neighbours took an active role in the original proposal, including an appeal to the Environment Court, and their interest in changes to consented activity is understandable.
- 45. It is my opinion that the Council have understood these potential impacts, including consultation and requesting that the application be processed on a limited notified basis but more specifically in the design of the proposed changes. The intentions and reasons for the changes, and their design, have been detailed by other representatives for Council and this has been considered below as part of my evidence.
- 46. The resource consent application provides an assessment of the effects of the proposed activity, and the Planning Hearing Report also assesses the effects. Generally, there is a consensus between expert planners that the effects of the proposed activity will be no more than minor. Rather than revisit and repeat matters, I rely on the original resource

- consent application and instead focus on those matters where further clarification is required, or questions have been raised through the joint submission.
- 47. It is also noted that the Operative District Plan standards provide guidance as to what is now considered appropriate acoustic levels in a residential environment but the existing resource consent application, including condition 28, impact the application of the permitted baseline. This has been previously recognised in the resource consent application.
- 48. Environmental Effects are therefore commented on as follows:

#### Noise

49. The current conditions of consent specify the following acoustic requirements:

# **Roof Plant:**

28. Noise from sources other then 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 & Public Holidays	30dBA	30dBA	30dBA	30dBA	30dBA

50. Resource consent is sought such that the existing activity will instead be required to comply with the acoustic standards as specified in the Operative Ashburton District Plan. The effect of this would be to increase the permitted noise generated by the proposed activity at certain times of the day or days of the week, but not to exceed the current permitted levels.

- 51. An acoustic assessment, peer review and evidence detail that the effect of this change will be minor and the difference in audible change for the closest two neighbours will be negligible. In the first instance I adopt the evidence of the experts and their conclusions. In doing so I note the following:
  - The Ashburton District Plan specifies acoustic standards for residential zones. Section 11.1 (Issues) in the noise chapter of the District Plan includes that "Areas zoned for residential development require rules which are consistent with the types of daily activities which occur in an urban backyard and the need for uninterrupted sleep at night". On the basis of the intention of the District Plan acoustic rules, and that the proposal will comply with the rules, I consider that effects on adjoining residential properties will be suitably managed.
  - It has been identified that noise from the State Highway will be greater than that of the proposed activity. This in itself does not justify an increase in noise in noise levels but the impact is that the change in noise from the application site will not be audible for adjoining residential neighbours.
  - A conservative approach has been undertaken in calculating noise levels which provides certainty that noise levels will not be greater than proposed and could be lower.
- 52. I also note that the further information provided to the processing planner addresses the submitters queries as to the adequacy of the acoustic assessment and consideration of two storey dwellings.

# <u>Amenity</u>

53. The resource consent application assesses the amenity related effects of the proposed activity. Simulated images of the proposed structure were also provided. The application details that the acoustic enclosure has been designed and is considered to complement the existing building and soften its visual impact 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.

- 54. In assessing the effects on amenity I am also of the opinion that it is possible to split amenity effects into those on the wider environment and those on the submitters.
- 55. Amenity effects were assessed in determining notification of the resource consent application. It was determined that effects on the wider environment would be minor. The implication of this is that it has been determined that the effect on a person passing the site will be no more than minor.
- I note there has been no suggestions or recommended changes as to the design of the proposed structure. On this basis it is considered that the question of effects on the wider environment has been addressed and the focus should be on effects on those parties who were notified and submitted on the proposal. I do not disregard that the submitters may more frequently drive or walk past the application site, compared to other members of the public, but it becomes difficult to suggest a greater sensitivity to effects than other persons who may regularly travel past the site, particularly if that sensitivity is only based on the addition of a relatively small structure, and no change to the fundamental use of the site.
- 57. In undertaking an assessment of effects on the amenity of the adjoining landowners it is first noted that the only neighbour who will be able to visually see any change on the application site, when viewed from their property, will be 130 Wills Street. All other properties are either shielded from the existing gallery building, or landscaping (such as hedging) on the residential properties. On this basis, it is only considered that 130 Wills Street could be directly affected in regards to the question of amenity.
- 58. There is a dwelling on 130 Wills Street which is an older character home which is well maintained and is two storeys in height. In assessing visual effects, I have focused on views from upstairs windows as ground floor visibility is more likely to be impeded by landscaping, fences and the existing gallery building.
- 59. The front façade (northeast face) of the dwelling at 130 Wills Street aligns with the northeast façade or wall of the gallery building. This is illustrated in the below aerial photograph.



Figure 1: Aerial View of Application Site and 130 Wills Street

- 60. The windows on the second storey of the dwelling include two windows facing out towards Wills Street and a window on the southeast façade facing towards the rear wall of the gallery building. The impact of this is that the location of the proposed enclosure structure will be of limited visibility from the upstairs windows of 130 Wills Street. I recognise that some visibility from the windows may still be possible at certain angles or looking over the top of the lower storey of the gallery building but it is not considered that the windows are generally orientated towards the location of the proposed enclosure structure.
- 61. I also recognise that the front lawn area of 130 Wills Street provides an attractive enclosed space where residents may wish to spend time outdoors. Existing plantings on 130 Wills Street and fencing reduce the visibility of the area of the proposed enclosure but some visibility remains. The distance between the property boundary and the enclosure wall (approximately 25 metres) assists in reducing any impacts when viewed from the area in front of the dwelling. The lower height of the enclosure wall at 4 metres also reduces potential effects.
- 62. While these factors assist in reducing effects, the applicant has also become conscious that measures have not been incorporated to the design to soften the impact of the face of the northwest when viewed

from 130 Wills Street. It is now proposed to incorporate plantings against the wall to achieve this. Plantings will be of a similar type to what is used elsewhere on the site and are illustrated in the mock ups provided in the updated suite of plans (see: **Appendix 2**). The below image illustrates the intended landscaping to be established along the façade of the wall.



Figure 2: Illustration of Proposed Structure with Landscaping

- On the basis of the above details, it is considered that impacts on the amenity of 130 Wills Street will be reduced so as to be minor but in doing so recognition is also given to the nature of the area where the structure is proposed to be erected. The area is currently used as a carpark for staff. It is not an area of a residential nature. This further reduces the impacts of the change in the use of the area.
- 64. In addition, I note that the use of the application site will not change. No difference in the type of activities will occur as a consequence of the property, the resource consent is application is to enable the continuation of existing activities. Consequently, any amenity related effects are only in relation to the establishment of the enclosure structure and enclosed pipework on the site of the building.

# Carparking

- 65. The resource consent application details that 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.
- 66. In assessing the effects of the proposed reduction in car parking, the Ashburton District Plan no longer includes a requirement for the provision of car parks. 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.
- 67. The resource consent application details that the reduction in staff car parking is most likely to lead to a transferred, albeit limited, 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.
- 68. The application details the characteristics and availability of car parking on Wills Street. This includes that within the street block, there are approximately nine dwellings on the southwest side of Wills Street between the State Highway and Park Street and there are two dwellings on the northeast side nearer the Park Street end. On the opposite side of the road is the Domain. It is my opinion that demands for carparking on Wills Street are likely to be lower.
- 69. The response to the further information request also provides comment on the Visitor Parking Management Plan (VPMP) for the site. The VPMP does not include references to staff car parking. This aligns with existing

Condition 19 which defines the purpose of the VPMP being to manage visitor car parking. The VPMP refers to overflow parking areas and directs that overflow areas be located at Baring Square West, Havelock Street and West Street. This section also identifies that the areas to be discouraged for overflow parking include Wills Street, except immediately outside the Museum and Art Gallery. The effect of this is that any staff car parking on Wills Street will not have a cumulative effect or demand on Wills Street, during periods when greater car parking demands are anticipated.

70. For the above reasons it is considered that any car parking related effects from the proposed loss of four onsite staff car parks will be less than minor.

# **Cumulative Effects**

- 71. The joint submission details that the suite of conditions work as a package to control the cumulative effects of the proposed activity. Mr Boyes has commented that the consented aspects of the existing activity need to be considered in assessing such effects.
- 72. I agree that recognition of the existing consented environment is required. In addition, I consider that the three changes to the site as a consequence of the proposal will be a change to noise, an increase in built form and carparking on the public road. These are commented on as follows:
  - Noise has been assessed by acoustic experts and has been considered above and it has been concluded that the change in perceptible noise will be negligible.
  - The increase in built form has been considered above and it has again been assessed that any effects are limited in nature so as to be minor for one neighbour, will be the same for neighbours as passersby and a balance with the provision of open space is maintained.
  - The change in car parking has been considered above and it has been determined that the change in car parking arrangement will not give rise to adverse effects for neighbouring properties.
- 73. It is recognised that the adjoining landowners have experienced a change in amenity from the establishment of the consented activity in 2015, such as built form and outlook. However, it is considered that in

order to determine that a cumulative effect will be created it is considered that a greater or tangible effect from one of the above components would be required.

# **Positive Effects**

- 74. The Ashburton Art Gallery and Museum is an important community resource for the district and region in preserving and recognising the history of the local area but also in providing events for the community to enjoy and come together, such as exhibitions. This proposal will support that ability to continue to preserve local history and hold events for the community.
- 75. Atmospheric standards are required to be met within the building and, as per the evidence of Ms Julius, there are currently difficulties in achieving this due to the health of air conditioning equipment. The proposal will enable the continued use of the building and enable the storage of historic items and the holding of exhibitions into the future. On this basis it is considered that the proposed activity will have significant positive effects for the local community.

# Objectives and Policies in the Ashburton District Plan

- 76. An assessment of relevant objectives and policies in the Ashburton District Plan was included as part of the resource consent application (paragraphs 56 to 64 of the resource consent application). Mr Boyes also provides an assessment of plan provisions as part of the Planning Hearing Report. No tensions or inconsistencies with plan provisions have been identified through those assessments.
- 77. This includes that Policy 4.1F provides for community-based activities which includes the Art Gallery and Museum. This is subject to a community-based activity meeting a community need and being in keeping with the expected character and amenity values of residential areas. The application assessed that the proposal will not have any further or additional impact on the expected character and amenity values of the area.
- 78. Objectives and policies with regards to noise included minimising the potential for conflict between noise emissions from land use activities and other more sensitive land uses (Objective 11.1). Policy 11.1A provides for rules that are adequate for the protection of community health and welfare (Policy 11.1A) and Policy 11.1B specifies to avoid or

- mitigate effects of noise on residential uses by ensuring all activities meet standards.
- 79. The proposal will comply with all relevant noise standards in the Operative Ashburton District Plan such that the proposal is consistent with the above objective and policies. In addition it has been 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.
- 80. On this basis it is considered the proposal is both consistent with and supported by objectives and policies. Further analysis of objectives and policies is not provided in my evidence and instead the prior analyses of plan provisions, in the resource consent application, is relied on for the purposes of my evidence.

# **Resource Management Act 1991**

81. The original resource consent application includes an assessment of Part 2 of the Resource Management Act 1991. It was concluded that 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 have largely positive effects. Through the application process no issues have arisen that diverts me from this same opinion.

# **Conditions of Consent**

- 82. The reporting planner has included a suite of recommended conditions in the Planning Hearing Report. In general principle the applicant is comfortable with those conditions but it suggests that minor amendments could be considered. The reason for this is detailed as follows:
- 83. Condition 2 for the landuse consent specifies that prior to the operation of the mechanical plant acoustic barriers shall be erected. This is appropriate, and the intention of the applicant, but it is noted that the enclosure structure will consist of acoustic walls on the northern and western sides of the enclosure, the existing building wall will be on the southern side and open slats on the eastern side.
- 84. To reflect the design of the enclosure it is recommended that condition 2 is amended to read as follows:

"Prior to the operation of the mechanical plant compound, the consent holder shall construct acoustic barriers on the northern and western sides of the enclosure in accordance with the approved plans, with a minimum height of 4 metres above finished ground level. The barriers shall be constructed of materials with a minimum surface mass of 10 kg/m² and shall be continuous, with no gaps or openings. The barriers shall be maintained in good condition for the duration of the consent and shall not be removed or altered without the prior written approval of the Council."

- 85. With regards to the conditions proposed to be varied, the following comments are made:
- 86. Condition 14 refers to car parking requirements and an amendment has been proposed to provide for the change in car parking layout within the staff car parking area. In order to ensure the mobility car park is relocated on site within a timely manner it is recommended that the condition is amended to include a further sentence stating "This shall include the conversion of a car parking space within the visitor car parking area into a mobility car park".
- 87. Condition 28 refers to noise limits and it has been proposed to update the condition to align with current District Plan acoustic requirements. The applicant does not consider that this condition is needed as currently proposed. It is simply specifying the need to comply with District Plan requirements. That said, if the Hearings Commissioner considers that the condition should be included then the applicant will abide by this.
- 88. Mr Farren has also recommended that this condition is amended to require acoustic compliance to be determined at any point within adjacent residentially zoned sites, rather than 1m from any accessible façade. Technically this is more restrictive for the applicant but it also ensures that it is easier, and more convenient for neighbours, when acoustic measurements are required. Mr Farren's suggested wording is as follows:
  - 28. Noise from sources other than vehicle movements and pedestrians shall not exceed the following limits when measured at any point within adjacent residentially zoned sites within the following timeframes:

Time Period	L <sub>Aeq(1hr)</sub>	L <sub>AFmax</sub>
Day (0700–2200)	50 dB	75 dB
Night (all other times)	40 dB	65 dB

Noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound, and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise.

- 89. It is recommended that Condition 28 is amended on the basis of the above.
- 90. On the basis of the above amendments the applicant agrees to the inclusion of the recommended conditions.

#### Conclusion

- 91. Resource consent is sought to replace and relocate air conditioning equipment at the Ashburton Museum and Art Gallery at 329 West Street in Ashburton. A resource consent is sought for the new location for the air conditioning equipment and in addition a variation is sought to amend relevant conditions of the existing resource consent for the Art Gallery and Museum to provide for the proposed activity.
- 92. It has been assessed that the effects of the proposed change will be no more than minor and effects on neighbours can be suitably managed and controlled. This includes that any change in acoustic effects will be negligible.
- 93. There is consensus between planning experts that effects will be minor and that the proposal is consistent with the Objectives and Policies of the Ashburton District Plan.
- 94. In my opinion there is no reason why resource consent cannot be granted for the proposed activity.

Date: 30 September 2025

Stewart Fletcher

APPENDIX 1: HISTORICAL DISTRICT PLAN PROVISIONS

# 7.2.5.1.18 Design and Appearance

Within the Residential A Zone, all new buildings or exterior alterations to existing buildings shall be Restricted Discretionary Activities, in respect of their design and appearance.

#### 7.2.5.1.19 Trevors Road Outline Development Plan

Any development within the area shown in the Trevors Road Outline Development Plan shall be undertaken in accordance with the Outline Development Plan included as Schedule 2 of Section 7.2 of the Residential Zones of the Ashburton District Plan.

# 7.2.5.1.20 Redmond Outline Development Plan

Any development within the area shown in the Redmond Outline Development Plan shall be undertaken in accordance with the Outline Development Plan included as Schedule 3 of Section 7.2 of the Residential Zones of the Ashburton District Plan.

#### 7.2.5.1.21 The Village Green Outline Development Plan

- a) Any development within the area shown in The Village Green Outline Development Plan shall be undertaken in accordance with the Outline Development Plan included in 7.2.12 of the Residential Zones of the Ashburton District Plan.
- b) The maximum height of any fencing that adjoins the open space/farmland area, as shown on the Outline Development Plan, shall be 1m.
- c) There shall be no fencing along the eastern boundary of Village Green 4 with Huntingdon Avenue, apart from retaining structures if necessary.

Note to Plan User: Refer Assessment Criteria 7.9.2.43 (The Village Green Outline Development Plan)

# 7.2.5.2 ZONE STANDARDS

# 7.2.5.2.1 Hut Settlements Generally

No additional residential units shall be constructed in or relocated into the Residential Zones at Lake Clearwater, Hakatere, Rakaia or Rangitata River Mouths.

7-18 Ashburton District Plan

#### 7.2.5.2.2 Coastal Hazards

In the Residential Zones at Rangitata River Mouth and Hakatere, no new replacement residential units, and no additions to existing residential units shall be constructed or relocated within 50m of the line of permanent vegetation along the coast.

#### 7.2.5.2.3 Commercial Activities

No goods shall be displayed for sale, which are visible beyond the boundaries of the site.

Note: Refer to listed Discretionary and Non-Complying Activities

# 7.2.5.2.4 Lighting

- a) All exterior lighting shall be directed away from adjacent properties and roads.
- b) No activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property.

#### 7.2.5.2.5 Noise

On any site, activities, other than residential activities, shall be conducted such that the following noise levels are not exceeded at the boundary of that 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 & Public Holidays	30dBA	30dBA	30dBA	30dBA	30dBA

except that for farming activities this standard shall only apply to noise from stationary motors or equipment and this standard shall not apply to noise associated with temporary military training exercises.

In Methven noise associated with horse racing or trotting activities at the Methven Racecourse; including races, trials, workouts, spectator noise and Public Address systems shall be exempt from these limits on a maximum of 25 occasions per year.

# 7.2.5.2.6 Hours of Operation

Any activity, other than residential, farming, visitor accommodation and outdoor recreation, shall be limited to the following hours of operation:

# **APPENDIX 2: APPLICATION PLANS**

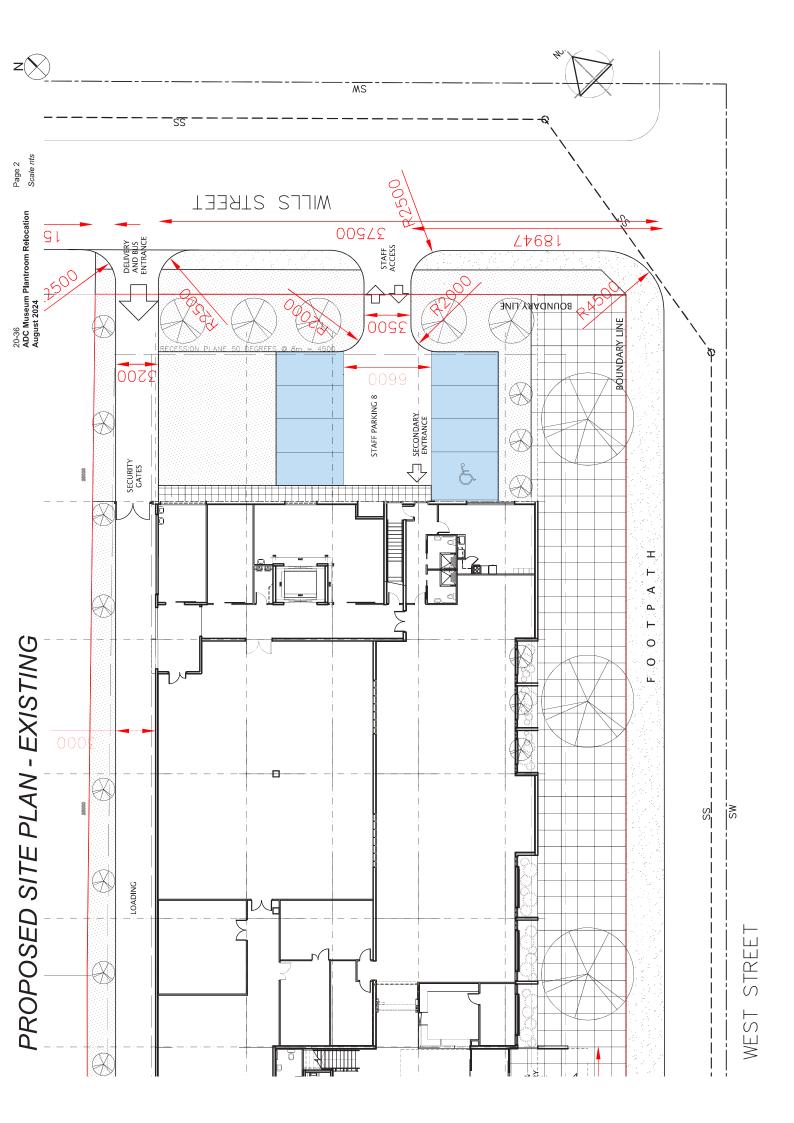


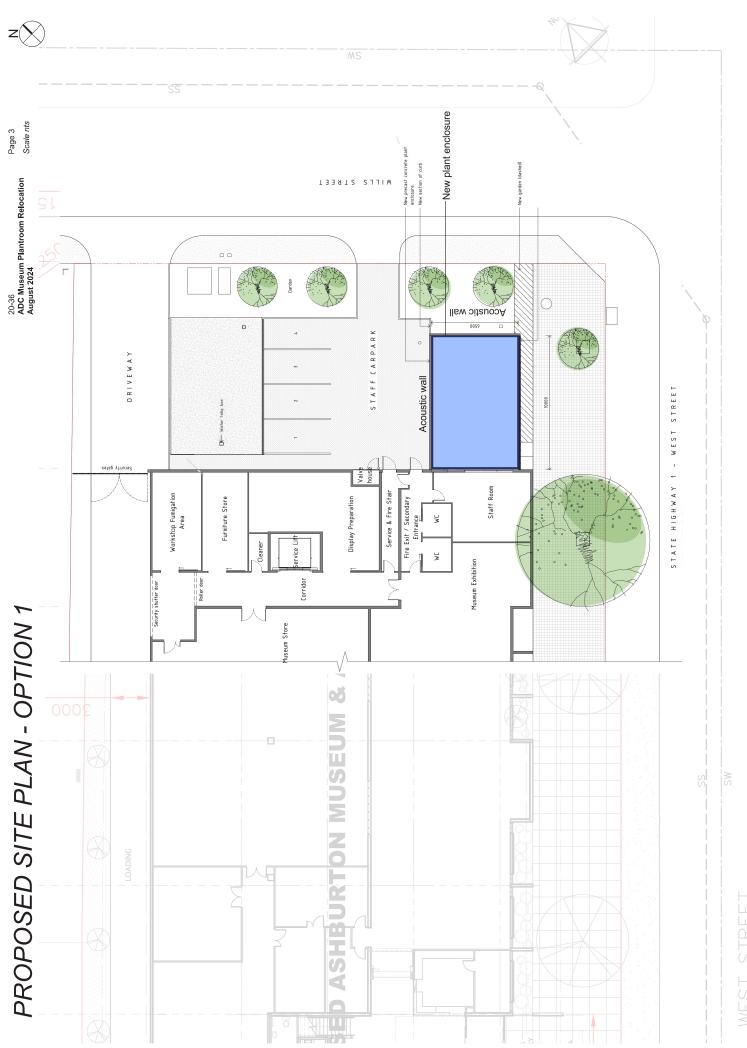
# Ashburton Museum & Art Gallery Plantroom Relocation

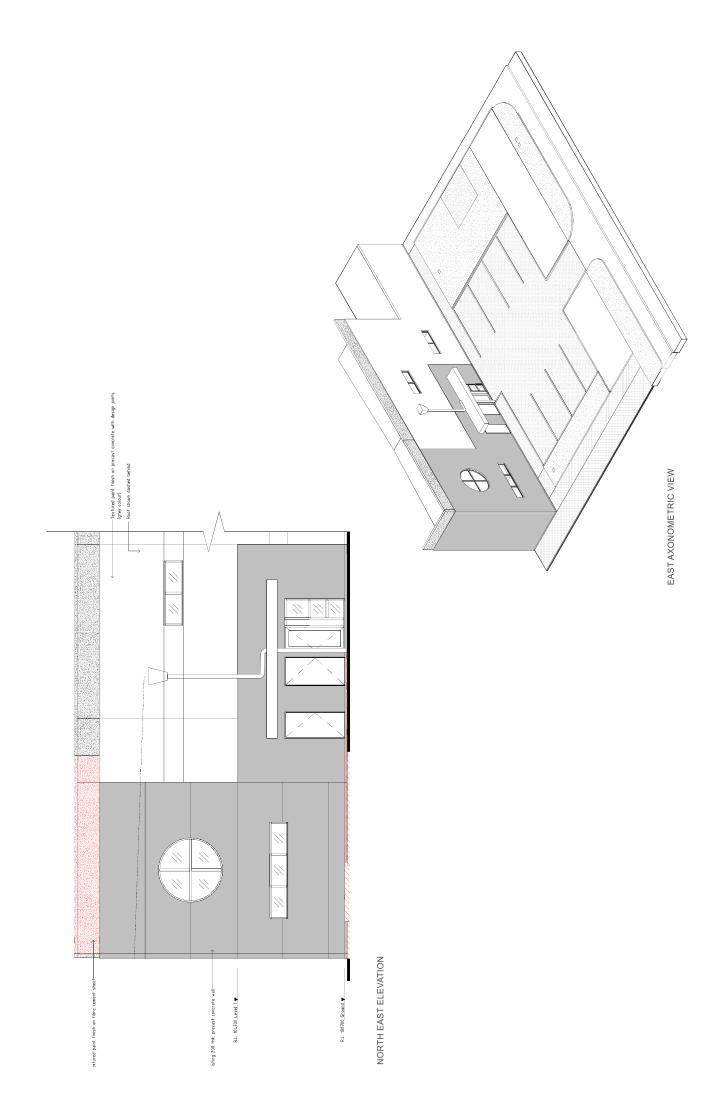
Revision 7

August 2024

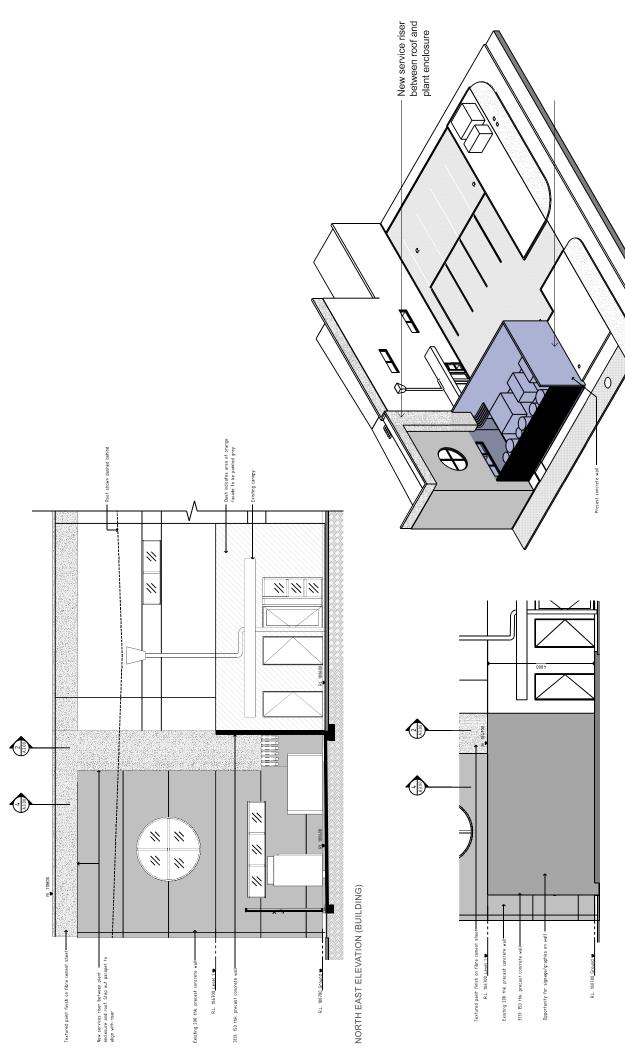
athfieldarchitects.co.nz 65 Cambridge Terrace Christchurch 8013 PO Box 3724 Christchurch 8140 T +64 3 377 2007





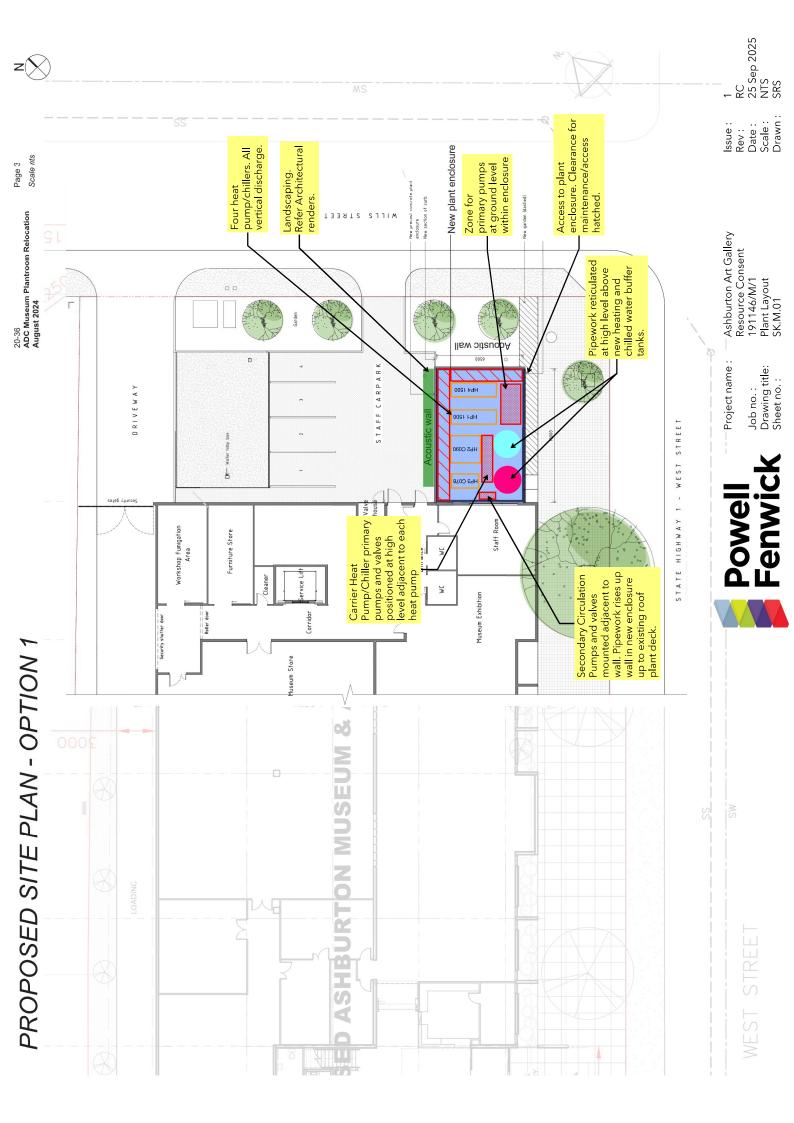


20-36 ADC Museum Plantroom Relocation August 2024



NORTH EAST ELEVATION (PLANT ENCLOSURE)

EAST AXONOMETRIC VIEW





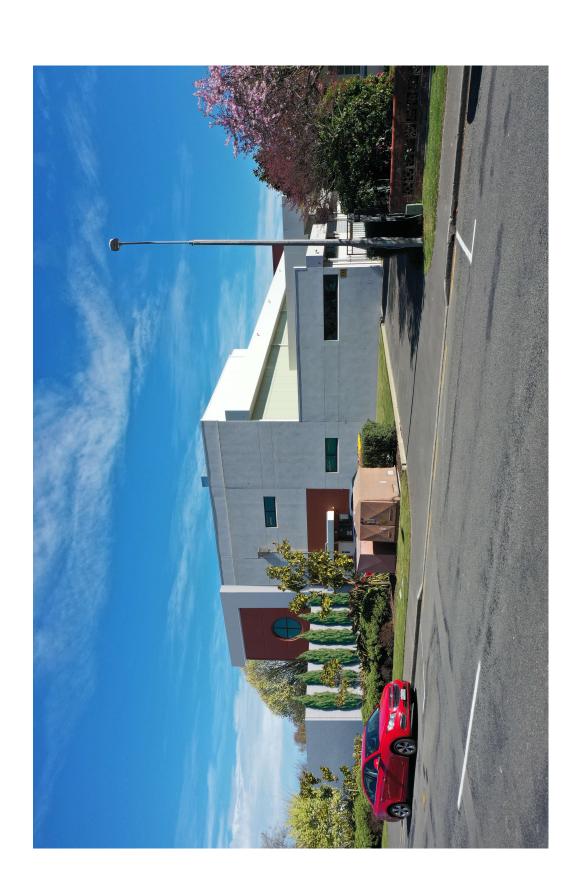
EXISTING VIEW LOOKING WEST FROM WEST STREET (STATE HIGHWAY 1)



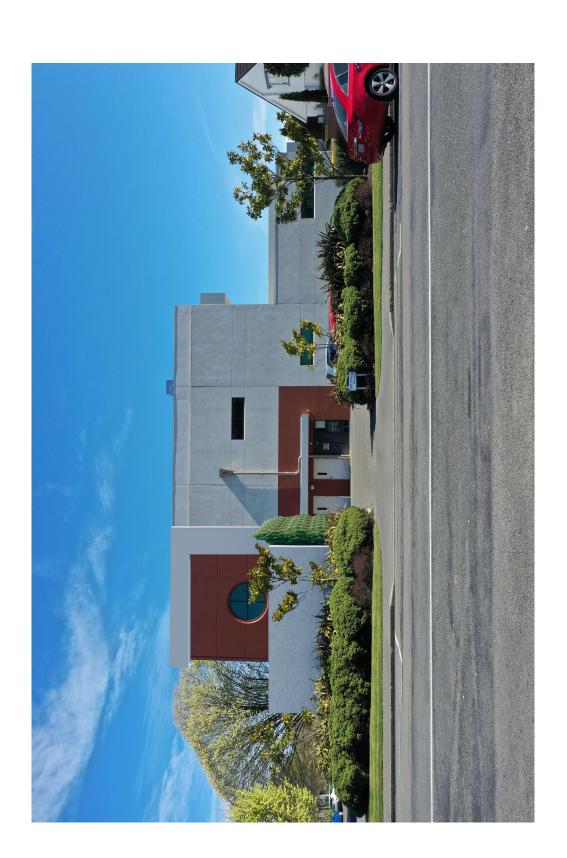
COLONADDE ON SOUTH-EAST ELEVATION OF EXISING GALLERY BUILDING.



PROPOSED VIEW LOOKING WEST FROM SH1 ARTIST IMPRESSION ONLY



PROPOSED VIEW LOOKING SOUTH FROM WILLS STREET.
ARTIST IMPRESSION ONLY



PROPOSED VIEW LOOKING SOUTH-WEST FROM ASHBURTON DOMAIN.
ARTIST IMPRESSION ONLY



PLANT ENCLOSURE LOOKING EAST FROM 4.5M AGL.
ARTIST IMPRESSION ONLY