

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.

Memorandum of counsel on behalf of the applicant

Dated: 30 September 2025

Andrew Schulte (andrew.schulte@cavell.co.nz)
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May it please the Commissioner:

1. We act for the Ashburton District Council as applicant in the above application for a resource consent and variation to a resource consent for the Ashburton Art Gallery and Museum (**AGM**).
2. We have received a copy of the memorandum of counsel for the joint submitters in the above matter seeking a rescheduling of the hearing currently set for 15 October 2025, and a suspension of the timetable.
3. The applicant is reluctant to agree to the delay because the situation at the AGM has reached a critical stage. The current HVAC systems that control the climate in the building and also protect the important artifacts stored in the building are having to be rebooted on an almost daily basis in order to continue functioning. Further, unspecified, delay presents a real difficulty.
4. The applicant has also prepared its evidence and is read to lodge and serve.
5. The applicant acknowledges the difficulties that the joint submitters have raised, in particular, the inability to communicate with counsel until this week and the unavailability of their expert. However, the application has been pending for several months and, while efforts to find mutually acceptable dates are often made, the legal requirement is for 15 working days notice of a hearing to be given.
6. Accordingly, despite the difficulties for the joint submitters, the preference of the applicant remains to proceed on 15 October 2025. This is not a position it takes lightly but the pressure to implement a solution to the issue that confronts the AGM continues to intensify, as it has since issues were first encountered over 5 years ago.
7. The applicant accepts that the final decision rests with the commissioner and abides their decision. If there needs to be a delay to accommodate the joint submitters, then the applicant requests that it be as short as possible.
8. In the meantime. the applicant will continue their preparations in accordance with the existing timetable.

Signed:



A J Schulte
Counsel for the applicant