

In the matter of

Applications LUC25/0028 and LCA25/0007 by the Ashburton District Council to relocate and replace air conditioning equipment and erect a new enclosure structure at the Ashburton Museum and Art Gallery, 329 West Street, Ashburton.

DECISION OF COMMISSIONER

GRAHAM TAYLOR

9 December 2025

Hearing: 12 November 2025 via audio visual link

Site: Ashburton Museum and Art Gallery, 329 West Street, Ashburton.
Lots 1 to 4 DP 46522

Zoning: Residential A – Operative Ashburton District Plan.

Approval Sought: Changes to conditions of LUC09/0025 and a new resource consent to relocate and replace air conditioning equipment and erect a new enclosure structure at the Ashburton Museum and Art Gallery.

Decision: Consent is **Granted** subject to conditions.

INTRODUCTION

Preliminary matter – Hearing not required

1. I have been appointed by the Ashburton District Council (**ADC**) to determine applications LUC25/0028 and LCA25/0007 by the Ashburton District Council (**Applicant**) to for changes to conditions and a new resource consent to relocate and replace heating, ventilation and air-conditioning (**HVAC**) equipment and erect a new enclosure structure at the Ashburton Museum and Art Gallery, 329 West Street, Ashburton.
2. Application LUC25/0028 is for a new resource consent for the erection of a new enclosure structure on the site. Application LCA25/0007 is lodged under s127 of the Resource Management Act 1991 (**RMA**) and seeks to change conditions of LUC09/0025 relating to the existing consented Museum and Art Gallery arising from the on-site changes to the HVAC equipment.
3. The applications were limited notified to seven parties, including six nearby property owners¹ in Wills and Cameron Streets, who were party to the 2010 Environment Court consent order under which the original resource consents authorising the Museum/Gallery were approved, as well as the New Zealand Transport Agency/Waka Kotahi, being the authority responsible for West Street (SH1).
4. One joint submission was received on behalf of the six property owners, and a hearing was originally scheduled for 10 October 2025. On 1 October 2025, I issued Minute # 1, granting a request from the applicant for an adjournment of the hearing due to unavailability of Counsel and witnesses, and directing amended dates for expert evidence circulation by the joint submitters and that parties liaise over a new hearing date. The hearing was subsequently rescheduled to 12 November 2025.
5. Prior to the hearing date, the applicant and joint submitters engaged in discussions, and agreed on a set of conditions that satisfied the submitter concerns. I received a signed joint memorandum and a set of agreed amended conditions on the evening of 11 November prior to the scheduled hearing. The memorandum advised that the joint submitters no longer wished to be heard in respect of their submission.

¹ A D & E J Shearer (124 Wills Street), Haworth House Limited (128 Wills Street), D & D Sauer (130 Wills Street), K Smith (121 Cameron Street), D & N Chilton (123 Cameron Street), C & M Ross (127 Cameron Street)

6. On the morning of 12 November, I advised the parties via email that I had determined that under s100(b) of the Resource Management Act 1991, a hearing need not be held. I raised a procedural question as to *“whether the equipment placed in the new enclosure is subject to the noise conditions in LCA25/0007, or whether there needs to be a condition in the new consent LUC25/0028 that provides for this cross over”* and convened a brief meeting via AVL to deal with that one matter only.
7. I heard from Mr Schulte for the applicant and Ms Limmer for the joint submitters, and all parties agreed that the air conditioning equipment placed within the new enclosure would be subject to the noise conditions applicable to the overall museum / art gallery activity under LCA25/0007. New resource consent LUC25/0028 is specific to the additional structure on the site only – and not the operation of the museum. I agree with that interpretation, and this decision is made on that basis.
8. Although the submitters did not wish to be heard and a full hearing was not required, I have considered all of the matters raised in the application, submissions, s42A reports and evidence that was circulated prior to the scheduled hearing date.

Background and Proposal

9. The existing museum was established and operates under resource consent LUC09/0025 as approved by Environment Court consent order ENV-2010-CHC-236 in May 2011. The existing resource consent includes conditions relating to the museum operation including in relation to compliance with approved plans, provision of landscaping and carparks, and the installation of and noise limits applying to roof mounted HVAC units. Condition 28 requires compliance with the noise standards existing under the former Ashburton District Plan. These prescribe a lower limit than applies under the current Operative Ashburton District Plan (**OADP**) noise rules.
10. The museum has experienced difficulties with the performance and reliability of the HVAC systems. While they are currently functioning, they cannot meet the climate control standards necessary for an Art Gallery and Museum environment. Two units have required replacement however this has only provided a temporary solution. A third unit is also showing signs of failure. It has also become apparent that the existing units are not complying with the noise standards of condition 28.
11. The museum proposes to replace and/or relocate three units and install one additional unit. Due to inadequate bearing capacity of the roof structure, it proposes that four units (2 existing Carrier units / 2 new Mitsubishi units) be located at ground level, requiring a new acoustic enclosure. A 10m x 6.5m x 4m high enclosure is proposed to be located

in the north-east corner of the site, near the intersection of West and Wills Streets. It will result in the loss of 4 staff car parks and modification to the approved landscaping. The enclosure will be finished with colonnades facing West Street, to fit with the design aesthetic of the existing museum building. It is proposed that the activity will comply with the noise standards of the OADP rather than condition 28 of the existing consent. The application as lodged therefore sought that condition 28 is deleted outright. Prior to the hearing the proposal was amended to instead include a modified condition 28 and a suite of additional certification, monitoring and compliance related conditions.

Proposed Changed and New Resource Consents

12. The application as lodged sought approvals in two parts. The first to be considered as LCA25/0007 is to change five conditions of the original resource consent LUC09/0025 under s127 of the RMA. Changes to conditions 1, 14, 31 and 33 are sought to add the following text:

...except for those amendments approved as part of resource consent LUC25/XXXX.

13. This is to reference the new amended plans insofar as the plans, HVAC locations, landscape design and loss of 4 car parks differ from the details contained in the approved resource consent and plans.
14. The application as lodged also sought the deletion of condition 28 which requires compliance with noise limits which were based on those contained in the previous Operative Ashburton District Plan as applied when the original consent was granted in 2011. The application sought deletion of the condition outright – in which case noise compliance of the site would default to the OADP provisions.
15. The proposed deletion of condition 28 has now been changed in line with the agreed noise conditions attached to the joint memorandum of 11 November. The changes in conditions now include a replacement condition 28 that contains new noise limits based on the OADP provisions, and a new suite of conditions 29, 29A, 29B, 29C and 30 that deal with noise modelling and compliance certification prior to HVAC installation, and monitoring and compliance. That is the basis on which I have considered the s.127 application.
16. The second part of the application seeks a new resource consent LUC25/0028 for the proposed 10m x 6.5m x 4m acoustic enclosure structure. This is a new structure that is deemed to be beyond the scope of the original resource consent LUC09/0025

therefore not able to be considered as a change in conditions under s.127. The new structure requires a fresh resource consent. As discussed in paragraphs 5 and 6 above, the new consent relates to the enclosure structure only. The HVAC units and consequential compliance with amended noise conditions 28 – 30 inclusive will remain under the amended LUC09/0025.

17. The proposal is described in more detail in the application, in the s42A report of Mr Boyes, and in the changed conditions attached to the joint memorandum of 11 November, and I adopt those descriptions.

Operative Ashburton District Plan Rules

18. The site is zoned Residential A under the OADP. The Museum / Art Gallery is defined as a “*community activity*” which requires resource consent as a discretionary activity under **Rule 4.8.4**. In addition, **Site Standard 4.9.10** (Design and Appearance) specifies that within the Residential A zone, all new buildings, or additions to the exterior of existing buildings that are greater than 40m² in area, shall be a Restricted Discretionary activity. The proposed enclosure area will be approximately 65m² in area however, any such non-compliance does not alter the overall discretionary activity status.
19. The existing Museum / Art Gallery buildings and activities are authorised under resource consent LUC09/0025. The proposed changes in conditions do not give rise to any new matters of non-compliance with OADP rules in respect of the existing activities. The changes instead require consideration under s.127.
20. The proposed new enclosure is deemed to constitute an extension to a community activity – therefore requires resource consent as a discretionary activity under rule 4.8.4.
21. The applicant’s planner Mr Fletcher and the Council reporting planner Mr Boyes agreed as to the matters of compliance with the ADP rules, I have adopted their assessment.

Section 127 (Change or cancellation of consent condition on application by consent holder)

22. Section 127 sets out that the holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, with Sections 88 to 121 apply, with all necessary modifications, as if -

a) the application were an application for a resource consent for a discretionary activity (but see subsection (3B)); and

b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

23. On the basis of section 127, I have assessed the application for changes to the conditions imposed on resource consent LUC09/0025 as a discretionary activity, with references only to the changes and the effects of changes in conditions.

EFFECTS DISCUSSION

Effects for Consideration

24. The existing environment is described in Mr Boye's report and was not contested. It includes the existing consented Museum and Art Gallery insofar as they comply with the terms and conditions of LUC09/0025. I agree with M Boyes that the existing noise non-compliance pertaining to the HVAC systems does not form part of the consented environment as it presently contravenes conditions 28 of the resource consent.
25. The surrounding environment includes residential properties to the northwest, highway traffic on West Street (SH1), the rail corridor opposite West Street, the Botanic Gardens to the northeast, and open space and the former Council offices to the southwest.
26. Under s.127 my consideration of LCA25/0007 is limited to the effects of the changes in conditions. I am not able to re-litigate other parts of the existing consent.
27. The new enclosure structure under LUC25/0028 requires consideration as a full discretionary activity therefore my discretion is not limited.
28. Given the nature of the existing consented activity and surrounding environment, I agree with Mr Boyes that the relevant effects for consideration relate to:
- Residential Character and Amenity
 - Traffic and Parking
 - Noise
29. I have considered these matters with reference to the submissions and the evidence submitted.

Residential Character and Amenity

30. The proposal includes the erection of a new structure on a site within the Residential A zone to be used for community activity. From an effects perspective, the existing structures on site form part of the existing consented baseline, and it is in this context that I have considered the proposal.
31. Both Mr Boyes and Mr Fletcher provided evidence as to the effects of the additional structure on residential amenities as anticipated in the Residential A zone, and taking into account the site location adjacent to SH1, and the effect on amenity and outlook of the adjacent residential property at 130 Wills Street, which is the only site from which the structure might be viewed. The joint submission raised issues concerning the level of assessment of visual and urban design effects however the submitters did not lodge any evidence on this matter.
32. I consider that whilst expert landscape or urban design assessment was not carried out, in the context of the existing site development and the scale of the proposal, the visual simulations provided with the application were adequate to assess the effects of the proposal on residential character and amenity.
33. I agree with the opinion of Mr Boyes that whilst the proposal is to erect additional built form on a site containing a building already much larger than anticipated in a residential zone, the design and appearance of the enclosure is sympathetic to and complements the existing built form on site. I find that the enclosure structure is of an appropriate height being more consistent with a residential scale and is finished so as to complement the existing building design such that any additional adverse effects on the wider environment will be minor.
34. I agree with Mr Boye's assessment that due to existing fencing and screening only the top portion of the enclosure will be visible from the front yard of 130 Wills Street, and that any adverse visual effects on that property will be minor.

Traffic and Parking

35. The proposed structure will result in the loss of 4 staff parks on the existing site. The joint submission was critical of the lack of assessment of the effects of the loss of parking, and cumulative effects of parking on Wills Street. No expert transport evidence was provided for the hearing.

36. Mr Boyes and Mr Fletcher both noted that whilst 8 carparks are required under the existing resource consent conditions, the OADP has since been amended such that the parking standards have been removed. Mr Fletcher opined that any assessment of effects regarding the provision of staff car parking should take into account that there is now no car parking requirement. That said, he recognised that car parking is currently provided for staff, and the proposed change will reduce the car parking available.
37. Both planners agreed that the likely outcome of the parking reduction would be a transferred increase in car parking demand on Wills Street, which is the closest available car parking area to the existing staff car parks. Wills Street does not include any time restrictions on car parking and there is existing line marking present to ensure vehicles do not park over or across private vehicle entrances along this portion of Wills Street.
38. Mr Fletcher noted 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. He considered that demands for carparking on Wills Street are likely to be low. I agree with that assessment.
39. Mr Fletcher also noted that existing condition 19 of LUC09/0025 includes a requirement for a Visitor Parking Management Plan (**VPMP**) for the site. The VPMP does not include references to staff car parking. He noted that 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.
40. Mr Boyes agreed with this assessment, and that the reduction in staff parking will not affect the purpose, intention or application of the VPMP, nor introduce any conflicts in the management of visitor car parking in the local area.
41. I accept the advice of My Boyes and Mr Fletcher and find that any adverse effects of the reduction in staff car parking will be minor.

Noise

42. The main effects issue in contention related to noise effects. The existing and proposed HVAC plant does not comply with the noise limits contained in condition 28 of LUC09/0025. However, condition 28 was based on the previous ADP noise standards, which have been replaced by the OADP standards, with which the proposal would now comply. Consent is therefore not required for a contravention of the current OADP noise rules – rather a s127 change in conditions has been sought to bring the noise conditions in line with the current standards.
43. Expert evidence on noise effects was provided by Mr Farren for the applicant and Mr Humpheson for the Council. Both experts agreed that the proposal will comply with the OADP permitted standards.
44. Mr Farren assessed that the proposed plant compound will result in negligible change in noise effects for the adjacent residents. He considered that mechanical plant noise levels are predicted to reduce compared with the existing situation and will comply with the underlying OADP permitted activity noise limits for the zone. He noted that Traffic noise is the dominant noise source experienced by residents at levels that are substantially above the permitted activity standards during both the day and night. He focussed on the more stringent noise limits applying during night-time hours and noted that the OADP 40 dB LAeq night-time noise limit is 5 dB more stringent than the World Health Organisation (WHO) recommended night-time guideline value of 45 dB LAeq for the protection of residential sleep amenity. On this basis he considered that compliance with the OADP 40 dB LAeq night-time noise limit provides residents with a high degree of protection against noise disturbance at night.
45. He considered there is a negligible difference in noise effect between a noise limit of 30 or 40 dB LAeq due to traffic noise being so much louder than either limit and dominating the noise environment. There would be no appreciable change in the total sound level at the residential boundary, regardless of which noise limit applies.
46. Mr Reeve provided acoustic evidence for the joint submitters. He did not carry out any specific assessment of noise effects – rather his evidence focussed on uncertainty as to whether the modelled noise effects of the final HVAC equipment to be installed on site would be achieved, and the lack of robust conditions to ensure that the predicted noise levels are achieved.
47. Prior to the scheduled hearing, the applicant and joint submitters met and agreed on an amended set of conditions that deals with the issues raised by Mr Reeves, as

contained in the joint memorandum. The proposal now includes fixed noise standards in line with the OADP, and conditions to deal with noise modelling and compliance certification prior to HVAC installation, and monitoring and compliance.

48. I accept the expert advice of Mr Farren and Mr Humpheson that compliance with the OADP noise standards will ensure that residents are adequately protected from nighttime noise disturbance, and that overall noise levels from the HVAC equipment will reduce from the current situation and in any case will generally be less than that of background traffic noise. On this basis I find that provided that this compliance is achieved, that noise effects arising from the activity will be minor.
49. I find that the conditions 29, 29A, 29B, 29C and 30 as are now proposed to deal with noise modelling and compliance certification prior to HVAC installation, and monitoring and compliance are robust and are able to ensure that this compliance is achieved. The amended conditions have also been agreed to by the joint submitters.
50. On this basis I find that the adverse noise effects arising from the Museum / Art Gallery activity as a consequence of the new HVAC units will be minor and are acceptable to all parties.

Effects Conclusions

51. On the basis of the above discussion, and the proposed terms and conditions of consent, I find that any actual or potential adverse effects on the environment from the new enclosure structure, loss of staff parking, and the replacement HVAC units will be less than minor.

Objectives and Policies

52. A comprehensive assessment of relevant objectives and policies was included in the s42A report of Mr Boyes. Mr Fletcher did not provide an assessment against objectives and policies in his evidence however this included in the assessment of effects accompanying the application and was consistent with Mr Boyes findings. No contrary evidence was provided.
53. Given the findings as to effects above, I agree with and adopt the assessment of Mr Boyes, and find that the proposal is consistent with the relevant objectives and policies of the OADP.

CONCLUSIONS

- 54. I have found that the proposed acoustic enclosure structure will result in minor adverse effects on the environment.
- 55. I have found that the proposed changed conditions of LUC09/0025 as further modified by the joint memorandum agreed to by the applicant and joint submitters will mean that the effects of the changes in conditions under s127 will be minor.
- 56. I have found that the proposal is consistent with the relevant objectives and policies of the OADP.
- 57. I am satisfied that the consents are able to be granted to the proposal, subject to appropriate conditions.

DECISIONS

Land Use Consent LUC25/0028

- 58. For the reasons detailed in this decision resource consent application **land use consent LUC25/0028 is granted** to the Ashburton District Council, in accordance with sections 104 and 104B of the RMA, authorising the construction of a new acoustic enclosure, service riser and the replacement and relocation of air-conditioning equipment on the site of the existing Ashburton Museum and Art Gallery at 329 West Street, Ashburton, subject to the conditions contained in **Appendix One**.

Change in Conditions LAC25/0007

- 59. For the reasons detailed in this decision **change of conditions consent LCA25/0007 is granted** to the Ashburton District Council, in accordance with section 127 of the RMA, authorising changes to Conditions 1, 14, 28, 29, 30, 31 and 33 and inserting new conditions 29A, 29B and 29C of LUC09/0025 applying to the establishment of the Ashburton Museum and Art Gallery at 329 West Street, Ashburton, subject to the conditions contained in **Appendix Two**.



Commissioner Graham Taylor

9 December 2025

Appendix One – LUC25/0028 Conditions

General Conditions

1. That the activity proceed in accordance with the plans and details submitted with the application prepared by Fletcher Consulting & Planning dated March 2025, including the approved plans attached and entered into Council records as Ref LUC25/0028 (Athfield Architects Ltd, Ashburton Museum & Art Gallery, Plantroom Relocation, Revision 7, August 2024).
2. Prior to the operation of the mechanical plant compound, the consent holder shall construct acoustic barriers 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.

Administration

3. That the conditions of this consent may be reviewed annually by the Ashburton District Council in accordance with section 128 of the Resource Management Act 1991 for the purpose of addressing any adverse effects on the environment that may arise from the exercise of this consent and specifically in relation to how it is implemented in conjunction with LUC09/00025 as amended by LCA25/0007.

Notes to the Consent Holder:

- a) Pursuant to the section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of commencement in accordance with section 116 of the Act, unless a longer period is specified by the Council on a further application.
- b) This resource consent is not an authority to build, and all requirements of the Building Code and related consenting requirements are also required to be met prior to any construction.
- c) A copy of this consent and the associated approved drawings should accompany the application for a Project Information Memorandum and Building Consent. If not supplied unnecessary delay may occur in the processing of the application.
- d) The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to info@adc.govt.nz and include the following details:
 - i. Name and telephone number of the project manager and the site owner;
 - ii. Site address to which the consent relates;
 - iii. Activity to which the consent relates; and
 - iv. Expected duration of works.

- e) The consent holder is requested to notify Council, in writing, once they have completed the works authorised by this resource consent. Such notification should be sent to info@adc.govt.nz including the following details:
 - i. Resource consent number.
 - ii. Site address to which the consent relates.
 - iii. Statement outlining how the consent holder has complied with each of the conditions.
- f) Development Contributions in accordance with the Council's policy included within the Long Term Plan (LTP) will be required and payable at the time of Building Consent.

Appendix Two – LCA25/0007 Change of Consent Conditions

The conditions of LUC09/0025 are amended to read as follows (additional text shown in **bold underline**, deleted text shown in ~~strike through~~):

General

1. The proposed Ashburton Museum and Art Gallery shall be established, operated and maintained on the land at 325, 327, 331 and 333 West Street (SH1), Ashburton, in accordance with the plans and particulars shown in Attachment A to this decision, together with the following conditions of this consent, **except for those amendments approved as part of resource consent LUC25/0028 and LCA25/0007.**

Staff car access and parking

14. Prior to the operation of the Museum and/or Art Gallery on the application site on-site staff car parking and its access off Wills Street shall be established and maintained in accordance with the plans now forming part of this consent, **except for those amendments approved as part of resource consents LUC25/0028 and LCA25/0007 including the conversion of a car parking space within the visitor car parking area into a mobility car park.**

Noise

General:

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

~~Noise from Roof Plant~~

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

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

External HVAC Plant:

- 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:**

<u>Time Period</u>	<u>LAeq(1hr)</u>	<u>LAFmax</u>
<u>Day (0700–2200)</u>	<u>50 dB</u>	<u>75 dB</u>
<u>Night (all other times)</u>	<u>40 dB</u>	<u>65 dB</u>

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.

- 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.

(a) Prior to:

- (i) First installation of the HVAC plant, as approved by LCA25/0007; and**
- (ii) Installation of a replacement heat pump chiller unit in the ground level acoustic shelter with a higher A weighted sound power level than the plant installed as per condition 29(i).**

the consent holder shall submit to the ADC District Planning Manager details of the equipment to be installed, a plan detailing their location and a noise modelling assessment prepared by a suitably qualified and experienced independent acoustic expert. The assessment shall consider whether the new/replacement HVAC Plant will comply with the noise limits specified in Condition 28. The ADC District Planning Manager shall, when satisfied, certify that the ability to comply with condition 28 has been demonstrated. The HVAC plant shall not be installed until that certification has been provided.

- (b) The consent holder shall provide the occupiers of 130 Wills Street a copy of the certification provided by the ADC District Planning Manager, along with the report provided to demonstrate compliance, unless the occupiers at 130 Wills Street advise the ADC District Planning Manager that they no longer wish to receive such reports.**

Advice Note 1: For the purposes of these conditions of consent, the term 'HVAC' generally refers to the heating, ventilation and air conditioning equipment which is external to the art gallery and museum building, including open air enclosures.

Advice Note 2: The Noise modelling assessment will be based on a realistic simulated worst-case night-time load, and the normal heating/cooling demands for the system.

- 29A (a) Within 20 working days of the HVAC Plant referred to in Condition 29(i) and (ii) being commissioned, noise from all sources on site other than vehicle movements and pedestrians shall be measured and documented by a suitably qualified and experienced independent acoustic expert to assess compliance with condition 28. Measurements will also be based on the assumptions set out in Advice Note 2. The results shall be provided to the ADC District Planning Manager within 15 working days of undertaking this monitoring and shall include a comparison with the noise levels expected by the modelling undertaken pursuant to Condition 29. Within 15 working days of receipt of the assessment Council shall, when satisfied, certify that compliance with this condition has been demonstrated.
- (b) The consent holder shall provide the occupiers of 130 Wills Street a copy of the certification provided by the ADC District Planning Manager, along with the report provided to demonstrate compliance, unless the occupiers at 130 Wills Street advise the ADC District Planning Manager that they no longer wish to receive such reports.
- (c) If non-compliance is identified, the consent holder shall, within three working days of non-compliance being identified:
- (i) Advise the ADC District Planning Manager of the reasons for the non-compliance;
 - (ii) Advise what actions have been taken to address it already and whether those actions are sufficient to achieve compliance; and
 - (iii) Advise what further actions are to be taken (if needed) to achieve compliance; and
 - (iv) Advise the timeframe to complete such actions and provide regular progress reports on the same; and
 - (v) If the timeframe is likely to be exceed 50-working days from when the non-compliance was first identified, intermediary mitigation action shall be taken as recommended by a suitably qualified and experienced independent acoustic expert to reduce the level of non-compliance as far as reasonably practicable, until a permanent solution can be achieved; and
 - (vi) Once the actions to achieved compliance are completed, provide a further noise assessment report (prepared by a suitably qualified and experienced independent expert) to the ADC District Planning Manager assessing whether compliance is now being achieved.
- 29B. All HVAC Plant shall be maintained to ensure ongoing compliance with Condition 28.
- 29C. (a) At 12 and 24 months after commissioning of the HVAC Plant referred to in Condition 29(i), noise from all sources on site other than vehicle movements and pedestrians shall be measured by a suitably qualified and experienced independent acoustic expert who shall assess ongoing compliance with condition 28. This shall include a comparison with the monitoring results provided as part of conditions 29 and 29A. The results

shall be provided to the ADC District Planning Manager within 15 working days of undertaking this monitoring. Within 15 working days of receipt of the assessment Council shall, if satisfied, certify that compliance with this condition has been demonstrated.

- (b) The consent holder shall provide the occupiers of 130 Wills Street a copy of the certification provided by the ADC District Planning Manager, along with the report provided to demonstrate compliance, unless the occupiers at 130 Wills Street advise the ADC District Planning Manager that they no longer wish to receive such reports.
- (c) If non-compliance is identified, the consent holder shall, within three working days of non-compliance being identified:

 - (i) Advise the ADC District Planning Manager of the reasons or the non-compliance;
 - (ii) Advise what actions have been taken to address it already and whether those actions are sufficient to achieve compliance; and
 - (iii) Advise what further actions are to be taken (if needed) to achieve compliance; and
 - (iv) Advise the timeframe to complete such actions and provide regular progress reports on the same; and
 - (v) If the timeframe is likely to be exceed 50-working days from when the non-compliance was first identified, intermediary mitigation action shall be taken as recommended by a suitably qualified and experienced independent acoustic expert to reduce the level of non-compliance as far as reasonably practicable, even though the permanent solution might not be immediately available; and
 - (vi) Once the actions to achieve compliance are completed, provide a further noise assessment report (prepared by a suitably qualified and experienced independent expert) to the ADC District Planning Manager assessing whether compliance is now being 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.~~

- 30
- (a) If non-compliance with Condition 28 is identified other than by way of Conditions 29A or 29B, the consent holder shall inform the ADC District Planning Manager within one working day of the non-compliance being identified. Within three working days of the non-compliance being identified the consent holder shall:

- (i) Advise the ADC District Planning Manager of the reasons non-compliance;
 - (ii) Advise what actions have been taken to address non-compliance already and whether those actions are sufficient to achieve compliance; and
 - (iii) Advise what further actions are to be taken (if needed) to achieve compliance; and
 - (iv) Advise the timeframe to complete such actions and provide regular progress reports on the same; and
 - (v) If the timeframe is likely to be exceed 50-working days from when the non-compliance was first identified, intermediary mitigation action shall be taken as recommended by a suitably qualified and experienced independent acoustic expert to reduce the level of non-compliance as far as reasonably practicable, even though the permanent solution might not be immediately available; and
 - (vi) Once the actions to achieve compliance are completed, provide a noise assessment report (prepared by a suitably qualified and experienced independent expert) to the ADC District Planning Manager assessing whether compliance is now being achieved.
- (b) The consent holder shall provide the occupiers of 130 Wills Street a copy of the report to the ADC District Planning Manager assessing whether compliance is now being achieved, unless the occupiers at 130 Wills Street advise the ADC District Planning Manager that they no longer wish to receive such reports.

Advice Note 3: This condition operates in addition to the Ashburton District Council's normal consent monitoring and enforcement procedures.

Landscaping

- 31** Landscaping shall be established and maintained in general accordance with the Landscape Design Plan and particulars now forming part of this consent, excluding along the western boundary of the site shared with residential properties on Cameron Street and Wills Street where landscaping shall be established and maintained in accordance with the Ashburton Museum and Art Gallery Natural Habitats Landscaping LC01 and referenced by Council as LUCA14/0011; **and except those amendments approved as part of resource consent LUC25/0028 and LCA25/0007.**
33. All landscaping required for this consent, **including those amendments approved as part of resource consent LUC25/0028 and LCA25/0007,** shall be maintained. Any dead, diseased, or damaged landscaping is to be replaced immediately with plants of the same or similar species