



Planning Hearing Report

Pursuant to Section 42A of the Resource Management Act 1991

Consent number:	LUC25/0028 and LCA25/0007
Applicant's Name:	Ashburton District Council
Application summary:	<p>Resource consent is sought to replace and relocate air conditioning equipment from the roof to ground level currently occupied by four on-site car parks exclusively marked for staff use.</p> <p>Resource consent is sought for the new enclosure structure surrounding the proposed new air conditioning equipment; as well as consequential changes to the conditions imposed on the original resource consent (LUC09/0025) authorising the use of the Ashburton Museum and Art Gallery on the application site.</p>
Street Address:	Ashburton Museum and Art Gallery, 329 West Street, Ashburton
Legal Description of Site:	Lots 1 to 4 DP 46522
Zone:	Residential A
Activity Status:	Discretionary (both resource consent and change of conditions)
Notification:	Limited Notified
Submissions:	<p>One joint submission in Opposition from:</p> <ul style="list-style-type: none"> • A D & E J Shearer (124 Wills Street) • Haworth House Ltd (128 Wills Street) • D & D Sauser (130 Wills Street) • K Smith (121 Camerson Street) • D & N Chilton (123 Cameron Stret) • C & M Ross (127 Cameron Street)
Date of Report:	23 September 2025
Recommendation:	Approval (both substantive and change of conditions)

1.0 INTRODUCTION

This planning report has been prepared on behalf of the Ashburton District Council (“the Council”) in accordance with section 42A of the Resource Management Act 1991 (“RMA”). It follows an earlier ‘Notification Report’ prepared pursuant to sections 95A to F of the RMA dated 28 April 2025.

It should be noted that this report is prepared on behalf of the Ashburton District Council as the regulatory consent authority. In this case, the Council is also the applicant. On that basis the processing and reporting on this application are being undertaken by external consultants. In this report all references to the Ashburton District Council in the context of being the applicant are made as “the Applicant”. When referring to the Council in the context of all statutory considerations as the regulatory consent authority, the term “the Council” is used.

The purpose of this report prepared under section 42A is to assist the Independent Commissioner acting under Council delegation by assessing the relevant statutory requirements pursuant to sections 104, 104B, 108 and 127 of the RMA. It should be noted that the recommendations made in this report are made at the time of writing with the information available. These recommendations are in no way binding, and it should not be assumed that the Commissioner will reach the same conclusions having assessed the application documentation and received further evidence from both the Applicant and submitters prior to and at the hearing.

1.1 Qualifications and Experience

My name is Nicholas (Nick) Boyes. I am an independent self-employed planning consultant. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Hons.) from Lincoln University (1999). I have worked in the field of planning/resource management since 1999, the last 24 years as a planning consultant.

I confirm I have read the Code of Conduct for Expert Witnesses and agree to comply with it. In that regard I confirm that this planning report is written within my area of expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

In preparing this report I have been assisted by independent specialist peer review of the Applicant’s Assessment of Noise Effects. This peer review has been undertaken by Mr Darran Humpheson of Tonkin & Taylor Ltd (see Acoustic Review Report attached as **Appendix 1**).

2.0 DESCRIPTION OF THE PROPOSAL

2.1 Background/Existing Resource Consent

The existing Ashburton Museum and Art Gallery was established in accordance with resource consent LUC09/0025. This consent was approved by way of Consent Order from the Environment Court dated May 2011 following resolution of an appeal against the Council’s decision to grant consent from surrounding property owners [ENV-2010-CHC-236]. The Museum and Art Gallery building was subsequently constructed and opened to the public in February 2015.

The resource consent included the installation of air conditioning equipment on the roof of the building behind an acoustic barrier wall, along with a condition requiring compliance with the noise standards (Condition 28). These new applications state there have been ongoing difficulties with the air conditioning of the building. This has advanced to the stage where this equipment requires replacement to preserve the art works housed in the building. The assessment of effects (“AEE”) submitted with the application states

that the proposed new air-conditioning equipment is heavier, meaning placement on the roof is no longer suitable.

2.2 New Resource Consent

Resource consent is sought to construct a new enclosure to house the proposed new mechanical equipment located at ground level near the intersection of West and Wills Streets, which is currently set aside for staff car parking. I agree with the Applicant that this aspect of the proposal is beyond the scope of the existing consent, as it increases the scale of the built form, and should be considered as a new resource consent.

The proposed new enclosure will occupy an area of 10m x 6.5m on the southeastern frontage of the site adjoining West Street/State Highway 1 ("SH1"). The enclosure consists of 150mm thick concrete walls on two sides (north and west), with the existing museum building forming the third (south) side, with a slat wall facing West Street/SH1). There will be no roof on the enclosure. The concrete walls will be a minimum of 4 metres in height and the air-conditioning equipment will be below the height of the walls.

The pipes running up the building façade will be included within a covered service riser (shield/box structure) designed to integrate with the existing building. The application notes that the final design of the enclosure itself is subject to detailed design of the heating, ventilation and air conditioning system. However, the Applicant states that the bulk and location will not change from that described in the application AEE.

The location and design of the new acoustic enclosure seek to ensure there is "*little change in the acoustic noise levels*" arising from the replacement and relocation of the air conditioning equipment. The application includes an Assessment of Noise Effects prepared by Marshall Day Acoustics Ltd (MDA) attached as Appendix 3 to the application documentation.

The proposed relocation will necessitate the removal of four of the existing eight staff car parks on the application site. The application refers to the potential option of reinstating four staff parks to an area currently grassed adjoining the driveway access to the loading area along the NW boundary of the site. However, as this would have resulted in increased vehicle movements on the loading area driveway adjacent to a residential neighbour (being 130 Wills Street), this was not pursued. Therefore, the proposal will result in a loss of four staff car parks on the site. One of the existing staff car parks to be removed is currently a dedicated mobility space. The proposal includes that one of the remaining car parks on site will be converted to a mobility space, such that the number of mobility parking spaces provided on the site will not change.

2.3 Changes to Consent Conditions on LUC09/0025

In addition to the resource consent sought for the new enclosure structure; the proposal includes changes to the conditions imposed on the existing resource consent (LUC09/0025). The proposed changes are to address conflicts arising with those conditions from the development described above, as follows.

Conditions 1, 31 and 33

Condition 1 is a standard condition requiring that the establishment, operation and maintenance of the Art Gallery and Museum proceed in accordance with the plans and particulars submitted in support of the application, together with the other stipulated conditions of the consent.

Similarly, Conditions 31 and 33 require the site to be landscaped in accordance with the Landscape Design Plan and particulars submitted with the application; with any dead, diseased, or damaged landscaping to be replaced immediately with plants of the same or similar species.

The Applicant seeks that Conditions 1, 31 and 33 all be amended to add the following text:

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

Condition 14

Condition 14 requires on-site staff car parking and associated access from Wills Street to be established and maintained in accordance with the plans submitted as part of the original resource consent application.

As set out above, the proposal results in the removal of four of these staff car parks, meaning that Condition 14 on LUC09/0025 can no longer be complied with. Like the conditions above, the Applicant seeks that Condition 14 be amended to add the following text:

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

Condition 28

One of the conditions agreed to through the Court mediation process was Condition 28, which specifies noise limits from sources other than vehicle movements and pedestrians (i.e., including roof plant) shall not exceed the following limits when measured at or beyond the boundary of the site, as set out in **Table 1** below.

	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

Table 1: Current noise limits as set out in Condition 28 of LUC09/0025.

The MDA Noise Report calculates that the proposed relocation will not comply with Condition 28. The application therefore seeks to remove Condition 28 and instead rely on the relevant rules and standards specified in the Ashburton District Plan.

This will result in the noise limits imposed on the activity increasing from 40dB to 50dB during day-time hours and from 30dB to 40 dB during night-time hours (all references to LAeq (1 hour)).

The Applicant does not seek any specific noise standard be included in the consent, rather relying on the District Plan standard to control noise from the proposed activity. On that basis the AEE states “*The applicant also accepts that if the District Plan is updated in the future, then they will be required to comply with those future provisions in the same way they would be required to comply with the current provisions*”.

3.0 DESCRIPTION OF THE EXISTING ENVIRONMENT

The site is located at 329 West Street in Ashburton (see **Figure 1** below). The site has frontages on to West, Cameron and Wills Streets. West Street is designated as SH1 and as such carries a high volume of traffic.



Figure 1: Application site location (Source: application document).

As set out above, the site contains an existing art gallery and museum including associated car parking and landscaping. The location and design of the building makes it a dominant feature of the area fronting on to SH1 between Cameron and Wills Streets (see **Figure 2** below).



Figure 2: Aerial photograph of the application site (Source: application document).

Activities in the local area are mixed including residential, the Domain/reserve, memorials, government services, railway line and the state highway. Immediately to the northwest the site is adjoined by residential land uses reflecting the underlying Residential A zoning.

The author is familiar with the site having passed through Ashburton frequently. A site visit to specifically consider the effects of this application was undertaken on 31 July 2025.

4.0 SUBMISSIONS

The applications were limited notified on 5 May 2025 pursuant to section 95A of the RMA. The Notification Decision was made by Independent Planning Commissioner, Mr Graham Taylor, dated 1 May 2025.

At the close of the submission period a joint submission signed by all residential property owners considered to be adversely affected by the applications was received, as identified on the map below (**Figure 3**). A copy of the submission has been provided to the Commissioner.



Figure 3: Submitter location.

In summary, the main reasons cited for opposing the applications included:

- Cumulative and non-residential adverse effects in a residential zone.
- Inadequate acoustic assessment and lack of consideration of additional acoustic treatments to mitigate increased noise as a result of removing Condition 28.
- Reliance on ambient noise levels created by State Highway 1 without having undertaken detailed analysis.

- Not taking account of two-storey dwellings in the receiving environment.
- Departure from and inconsistency with the original Environment Court Consent Order (namely Condition 28).
- Failure to honour the side agreement and failure to recognise the community preferences arising from consultation.
- Proceeding with a development Option that was not favoured by affected residents during consultation.
- Inadequate assessment of visual and urban design effects of proposed acoustic enclosure.
- Unsubstantiated parking effects arising from the loss of four on-site car parks.
- Inappropriate use of section 127 of the RMA.

The submission seeks that the applications be declined; and otherwise *“that Condition 28 not be deleted, but instead retained or replaced with equivalent bespoke conditions tailored to the residential setting”*.

4.1 Further Information Requested

In response to the matters raised in the submission, the Council obtained further technical acoustic peer review advice and made a subsequent request for additional information relating to:

- a) The application of the existing environment and in particular the comparison of the future building services noise environment with the noise generated by the existing plant and as otherwise allowed for by Condition 28 of LUC09/0025.
- b) Whether the existing plant or future plant exhibit any special audible characteristics and whether a tonality adjustment is warranted in accordance with NZS 6802:2008.
- c) Greater information in the form of LA90 background noise level given that traffic flows at night are not continuous, i.e., there are periods when traffic is not flowing (lulls between vehicles).

This information was provided on 27 August 2025 and is further assessed and commented on in the Acoustic Peer Review prepared by T&T on behalf of the Council attached as **Appendix 1** to this report.

4.2 Preliminary Comments on Submission

The submission received from the neighbouring residential property owners refers to the failure to honour the side agreement entered into as part of the resolution of the appeal lodged in relation to the Council’s decision to grant the original resource consent (LUC09/0025).

Whilst a copy of the side agreement was provided with the application, it is in my view not a consideration for the purpose of assessing these resource consent applications. This is because it is a side agreement that exists outside of the current resource consent process and is a matter between the parties, i.e., the Council as “Applicant” as opposed to “the Council” as consent authority.

The submission refers to the consultation undertaken and in particular the failure to proceed with the design preference identified by neighbours during that process. It is my understanding that the RMA does not oblige an applicant to consult any person, or if consultation is undertaken to necessarily proceed with any alternative development option favoured by those consulted with. That said, the RMA does require “a description of any possible alternative locations or methods for undertaking the activity”, but only “if it is likely that the activity will result in any significant adverse effect on the environment” (RMA, Schedule 4, 6(1)(a)).

These applications seek resource consent/s in relation to the development proposal put forward therein. The assessment below is restricted to the consideration of that particular proposal. Any consideration of the alternative design proposal referred to as “Option 2” is in my view limited to the RMA context set out above.

The balance of the matters raised in the submission are further considered in the assessment of environmental effects set out later in this section 42A report.

5.0 PLANNING FRAMEWORK

The relevant planning document in the consideration of these applications is the Operative Ashburton District Plan (“the District Plan”). The District Plan formally became operative on 25 August 2014. I am not aware of any current plan changes that would impact on the provisions applying to the assessment of this application.

It is noted that Plan Change 5 (Transportation) made consequential amendments to various sections resulting from the implementation of the National Policy Statement on Urban Development (NPSUD). Plan Change 5 became operative on 4 June 2024 and the District Plan no longer includes a requirement for the provision of on-site car parks.

5.1 Ashburton District Plan

The Residential A zone is described as a High Density Residential Zone located in the heart of Ashburton (Kapuka) close to the town centre and key commercial and recreational facilities (see planning map in **Figure 3** below).

The zone provides for high density residential development such as apartments, joined townhouses, terrace housing or multi-unit elderly housing complexes. This provides a choice of accommodation options and areas with low maintenance development. The purpose of the zone is to enable efficient use of the land close to the town centre, increase diversity of residential development, and to provide choice.



Figure 3: Ashburton District Plan – planning map (application site marked in red)

A full assessment of the proposal against the provisions of the District Plan is set out in the application AEE document. It is not intended to repeat that detail here. Clearly the proposed activity is not anticipated by the underlying zoning, and hence the existing resource consent applying to the site.

The use of the site is a change to the 'community activity' already approved by that existing resource consent. **Rule 4.8.4** of the District Plan specifies that Community Activities are a discretionary activity in the Residential A zone. I agree with the assessment set out in the application that this proposal is similarly assessed as a community activity and accordingly a Discretionary activity resource consent is required under this rule.

In addition, it is noted that 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 activity status described above.

In summary, resource consent is required as a Discretionary activity to expand an existing community facility within the Residential A zone.

6.0 STATUTORY CONSIDERATIONS

6.1 Section 104

Section 104(1) of the RMA provides the statutory requirements for the assessment of these applications and sets out those matters that the Council must have regard to. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:

- (a) *Any actual or potential effects on the environment of allowing the activity;*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
- (b) *The relevant objectives, policies, rules and other provisions of the District Plan; and*
- (c) *Any other matter that the Council considers relevant and reasonably necessary to determine the application.*

Section 104(2) allows the Council to disregard any adverse effects of the activity on the environment if the District Plan permits an activity with those effects when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity.

Under section 104B of the RMA the Council may grant or refuse an application for a discretionary activity, and if it grants the application, may impose appropriate conditions in accordance with section 108.

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

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—(emphasis added)

- (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.*

On the basis of section 127, the application for changes to the conditions imposed on resource consent LUC09/0025 has similarly been assessed as having a discretionary activity status.

6.3 Part 2 RMA

Reference to Part 2 when considering a resource consent should not be necessary if the applicable plan/s have been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes. In the context of this application, it is considered that the relevant plan has been competently prepared and those provisions are coherent and comprehensive. On that basis there is no need to go beyond the relevant provisions and specifically assess Part 2 when making a decision. Notwithstanding, the relevant provisions of Part 2 are set out below for completeness.

Part 2 of the RMA sets out the purpose and principles of the Act, being “*to promote the sustainable management of natural and physical resources*” which is defined to mean:

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Any assessment is informed by reference to the matters set out in sections 6, 7 and 8 of the RMA. Section 6 sets out matters of national importance, none of which are particularly relevant in this instance. Section 8 requires the principles of the Treaty of Waitangi to be taken into account.

Section 7 requires particular regard to be had to ‘other matters.’ Of relevance to this application are:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment; and*

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

As a fully discretionary activity the consent authority may take into account any relevant matters when assessing the effects of the proposal. However, it should be noted that in terms of the change of condition aspects of the application, section 127 of the RMA sets out it is only the effects of the change or cancellation of a condition that can be considered.

7.1 Mandatory Exclusions

The assessment of the adverse effects of the activity has been undertaken in accordance with the mandatory exclusions set out in section 104, being:

- a) An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s104(2)).
- b) Trade competition and the effects of trade competition (s104(3)(a)(i)).
- c) Effects on persons who have given written approval to the application (s104(3)(a)(ii)).

No matters of trade competition are relevant to the consideration of this application; and no written approvals were provided in relation to the development proposal.

7.2 Permitted Baseline (section 104(2))

Under section 104(2) of the RMA, the adverse effects of the activity on the environment may be disregarded if the district plan or a national environmental standard permits an activity with that effect. This is referred to as the ‘permitted baseline’. The permitted baseline has not been considered in this instance as there are no permitted community activities within the Residential A zone.

It is noted that the application AEE refers to it being permitted to generate noise to a level which is greater than the consented proposal, being up to the permitted District Plan standards of 50 dB LAeq(1hr) day-time (0700 to 2200 hours) and 40 dB LAeq(1hr) during night-time. However, the AEE makes it clear that “care needs to be taken in applying such a permitted baseline as there is an applicable resource consent which requires compliance with a lower acoustic standard, but it is considered appropriate to give some acknowledgement to the permitted noise standards in the Ashburton District Plan”. I would concur with that assessment.

Similarly, in terms of the provision of on-site car parking, it is noted that changes to the District Plan as required by the National Policy Statement on Urban Development (NPSUD) now mean that the Ashburton District Plan no longer includes any requirement to provide a minimum number of parking spaces.

7.3 Existing Environment

It is my understanding that in assessing the effects of a resource consent application, the consent authority is required to determine the relevant receiving environment. This must include a determination of what form the environment might take in the future having regard to activities that may be carried out if presently existing implemented and unimplemented resource consents are given effect to.

The existing Museum and Art Gallery is consented and forms part of the existing consented environment, but only insofar as it complies with the conditions of that consent. As noted in the Notification Report, parties to the Consent Order who would otherwise rely on Condition 28 relating to noise could reasonably expect compliance with that condition as imposed on LUC09/0025.

I agree with the statement included in the submission that the suite of conditions imposed on LUC09/0025 work together as a package to control the cumulative adverse effects of the proposed activity. However, in my view that does not mean that any change to those conditions brings into question the lawful establishment of the entire activity. Such an approach is not supported by section 127(3) of the RMA, which states that sections 88 to 121 apply to the consideration of an application for a change of consent as if the references to a resource consent and to the activity were references only to the change and the effects of the change respectively, i.e., there is not scope to reconsider the merit of the entire activity for which consent has already been granted.

On that basis I consider that the elements of the original consent not otherwise sought to be amended by these applications form part of the existing environment. This is particularly so in relation to the use and built form.

In terms of noise, I consider that the existing environment includes that community activity undertaken on the site in compliance with Condition 28, which sets rather onerous noise restrictions with limits below those that would otherwise form part of the permitted baseline for an activity undertaken within the Residential A zone under the current District Plan.

In order to establish some background as to the origin of Condition 28, I have reviewed the section 42A report prepared in relation to the original application LUC09/0025. This report stated:

The application as lodged did not seek consent for noise to exceed the levels permitted in the District Plan. This is surprising to me as the current noise limits in the District Plan are extremely stringent (one of the most restrictive in New Zealand) and it would not have been unexpected for the application to seek increased noise levels with an assessment of their effects. It is also noted that constant noise sources e.g. building plant and equipment would need to comply with the night time noise levels to remain within the rules, which in this case is only 30dBA.

To achieve these permitted levels the applicant has confirmed the equipment to be used, proposed acoustic screening, had the proposal checked by a noise expert, and offered a condition of consent limiting noise emissions

to the current District Plan levels. The applicant has subsequently provided an additional noise report that confirms that the noise requirements of the District Plan will be exceeded during periods of high car park usage.

*I have had the noise situation reviewed by Mr Stuart Camp (Marshall Day Acoustics) whose report is attached as Appendix Four. Mr Camp has confirmed that he is satisfied that noise from mechanical plant on the site can comply with the District Plan night time noise limit of 30 dBA (L10).
(paragraphs 7.62 to 7.64)*

In that context the situation at that time of the original consent was that the Applicant effectively volunteered to comply with the District Plan noise limits applying at that time, which I agree could be described as “extremely stringent” when compared to the limits applying in other similar residential environments. The advice received at that time was that the mechanical plant could operate below the night-time noise limit. However, it would appear from the acoustic information provided in relation to these applications that this has proven not to be the case (Tonkin & Taylor, Section 7.1, in **Appendix 1**).

Overall, I consider that the noise environment as a result of the existing activity being above the limits set out in Condition 28 does not form part of the existing environment.

7.4 Key Effects Considerations

The key aspects of this proposal that require assessment are considered to be the effects on residential amenity and character (i.e., change to the built form), car parking and noise. These are each assessed in turn below.

7.5 Residential Character and Amenity Effects

Adverse effects on the amenity and residential character in the vicinity of the application site were a primary consideration at the time of the original application to establish the museum and art gallery on the application site. As noted above, in so far as the current activity complies with that approval it forms part of the receiving environment.

It is noted that the primary use of the site is not changing and this application does not provide the opportunity to revisit whether the use of the site as a community facility is appropriate. Rather the scope of this application is limited to the assessment of the specific changes now proposed in order to determine whether they are appropriate in the context of that receiving environment and the current applicable planning framework.

In that context, my view is that amenity and character effects are restricted to the visual appearance of the proposed enclosure housing the new relocated air conditioning equipment occupying the area where four staff car parks are currently located and the service riser proposed on the façade of the existing building.

The application includes a graphic 3D illustration of the proposed new façade from West Street (see **Figure 4** below).

This shows the external service riser column added to the existing building façade to house the pipework. The enclosure wall facing the residential sites is concrete, as well as that facing Wills Street. The West Street/SH1 frontage is set back and made up of a series of slats to break up the visual appearance and enable landscaping to be incorporated along the SH1 road frontage.



Figure 4: Proposed view looking West from West Street (Source: Application AEE documentation).

The application AEE states that the proposed enclosure “will have a positive effect on the existing amenity and character of the site and assist in reducing the existing visual dominance of the building”. I would not go so far as to assess this change as being positive in the context of the additional built form on a site containing a building already much larger than anticipated in a residential zone. However, the design and appearance of the enclosure is considered to be sympathetic to and complement the existing built form on site, as shown in **Figure 4**.

Overall, it is considered that the proposed location adjacent to SH1, being setback from residential neighbours, along with the reduced enclosure height being more consistent with a residential scale, are such that any additional adverse effects on the wider environment are considered to be minor.

In terms of the effects on the immediately adjoining sites, any adverse effects of the proposed built form are considered to be limited to the immediately adjoining property at 130 Wills Street, a submitter to the applications. The two-storey residence on this property can be seen in **Figure 4**. The submission is critical of the lack of specialist urban design or visual assessment of the proposed enclosure structure. In my view an assessment of the visual effects of the proposed enclosure can be undertaken in the absence of such technical assessment given the scale and form of the existing building on the site and the visual simulations submitted as part of the application (as shown in **Figure 4** above).

The existing boundary fence and boundary screening (which is noted as being located on the submitters site) are such that only the top portion of the enclosure would be visible from the front yard of 130 Wills Street. As the front façade of the residential dwelling on that site is located in line with the corresponding façade of the existing museum/art gallery building (see aerial photograph in **Figures 2 & 3** above), the proposed enclosure will be largely screened by the existing museum/art gallery building when viewed from within the existing dwelling on 130 Wills Street. On that basis I consider that any adverse visual effects of the proposed enclosure on the adjoining residential property at 130 Wills Street can be described as being minor.

The enclosure will extend the built frontage along the SH1 boundary of the application site. However, in the context of the dominant traffic environment and the open space provided on the opposite side of the road, any effects when viewed by passersby on SH1 are considered to be minor.

7.6 Traffic/Parking Effects Assessment

The proposal results in a 50% reduction in the number of car parks on site that are currently set aside for staff use (from eight to four). The application AEE includes discussion of an option to re-instate these four

carparks elsewhere within the site; and it is understood that consultation with residential neighbours included this option.

Notwithstanding more recent amendments to the District Plan removing car parking standards, a total of eight on-site car parks for staff use are currently provided, and are required to be provided in accordance with the conditions imposed on the existing consent. On that basis an assessment of the effects of removing those car parks is required in relation to the proposed change of consent condition.

The application AEE sets out that the proposed reduction in staff car parking is most likely to lead to a transferred increase in car parking demand on Wills Street, which is the closest available car parking area to the existing staff car 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.

A request for further information sought clarification as to whether the proposal to reduce the number of on-site car parks had any impact on the Visitor Parking Management Plan (VPMP), as required by Conditions 19 to 22 of the existing consent. Noting that any such reduction would otherwise lead to a corresponding increase in the number of vehicles being parked on the adjoining streets during any public events when parking demand exceeds on-site supply.

The response was that as the proposed alteration to staff car parking arrangements *“will not affect the purpose, intention or application of the VPMP, nor will it introduce any conflicts in the management of visitor car parking in the local area”*¹.

The application considers that the adverse effects of the reduction in car parks are less than minor. This is due to the greater availability of roadside carparking within Wills Street, the existing line markings and the small amount of potential increased demand for roadside car parking.

Overall, in accordance with the requirements and policy direction set out in the NPSUD, it is considered that the effects of the reduction in staff car parking on the application site are less than minor.

7.7 Noise Effects

As outlined above, noise effects from the existing mechanical roof plant are managed by Condition 28 to 30 of resource consent LUC09/0025. Condition 28 stipulates various noise limits depending on the time of day as measured at or beyond the boundary of the application site as set out in **Table 1** above. Those noise limits were based on those included in the previous District Plan, and are significantly lower than those limits now included in the current Operative District Plan. Notwithstanding, Condition 28 was agreed to by all parties in order to resolve the appeal of the Council’s original decision. The proposal to now change those noise limits and replace them with the current District Plan noise standards represents a departure from that agreement and an increase in noise from sources on the application site beyond the consented baseline forming the existing environment.

The Noise Assessment in support of the application conducted by MDA identifies that the noise level at the closest residential boundary (130 Willis Street) will be 38dBA (LAeq (1 hour)). This noise level is compliant with the noise standards of the Operative District Plan, which include a maximum night-time noise level of 40dBA. MDA details that the total noise from both the proposed plant compound and existing roof mounted mechanical plant, that will remain on the roof, can operate and comply with the applicable District Plan permitted activity noise limit of 40 dB LAeq (1 hour) when measured at the first floor of the closest residential dwelling at 130 Willis Street.

¹ RFI response dated 9 April 2025.

MDA also considers the elevated ambient noise levels in the vicinity of the application site due to the traffic on SH1. MDA assessed existing traffic noise levels at the adjacent residences of between 47 and 58 dB LAeq, which are substantially above the permitted activity noise environment of 40 dB LAeq. In that context the proposed enclosure will act as a barrier to reduce traffic noise received at 130 Wills Street.

Overall, MDA concluded that the *“existing residential amenity will not be substantially altered by the proposed changes”*. The report also states that noise emissions will provide appropriate residential amenity for the protection of sleep.

The MDA assessment has been peer reviewed and further information requested as set out by the Review Report prepared by Mr Darran Humpheson of Tonkin & Taylor Ltd (T&T) attached as **Appendix 1**. That review sets out that while compliance with Condition 28 is not achieved, the proposal will achieve the current District Plan’s permitted noise standards. The potential for plant noise to be noticeable during traffic lulls is acknowledged, but Mr Humpheson considers the overall impact on residential amenity of the proposed changes to the site to be negligible.

Mr Humpheson recommends that Council require the installation and maintenance of the proposed acoustic barriers as a condition of any consent granted. Furthermore, as MDA’s assessment relies on predictive modelling and close-up measurements due to elevated ambient noise levels from SH1, Mr Humpheson further recommends that a condition be imposed requiring a post installation noise assessment to verify compliance with the District Plan’s noise limits. This would replace the requirements otherwise set out in Conditions 29 and 30 of the existing consent.

7.8 Effects Summary

Overall, it is considered that the effects of the proposed changes to the application site on the wider environment beyond immediately adjoining properties are less than minor. This includes any impacts of additional vehicles being parked on the adjacent streets as a result of the number of on-site carparks reducing by four. This follows national guidance as set out in the NPSUD and implemented via Plan Change 5 to the District Plan.

In terms of the more localised effects, it is considered that the visual effects of the proposed enclosure can be described as minor.

Noise is considered to be the most contentious aspect of this proposal, and the matter of greatest concern to the submitters. This is unsurprising given the current activities apparent non-compliance with existing consent Condition 28. Notwithstanding, the assessment of Mr Humpheson sets out that the proposed changes to the mechanical plant at the Ashburton Museum and Art Gallery will result in a reduction in noise levels at the nearest dwellings when compared to the existing (non-compliant) arrangement, and confirms compliance with the permitted standards set out in the District Plan.

Conditions imposed on any consent granted should require installation and specific maintenance conditions pertaining to the acoustic barriers. I also agree with Mr Humpheson that a condition should require post installation monitoring and assessment to verify compliance with the Operative District Plan noise limits.

Overall, given the conclusion of Mr Humpheson that the overall impact of the proposed noise on residential amenity is considered to be negligible, I consider that the proposed changes are appropriate. However, as opposed to simply deleting Condition 28, I recommend that it is replaced with standards consistent with the current District Plan standards, as well as the two additional conditions recommended by Mr Humpheson described above.

8.0 NATIONAL ENVIRONMENTAL STANDARDS (section 104(1)(b)(i))

The only NES that is possibly applicable to the assessment of this application is the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NЕСS) came into force on 10 October 2011. However, as the proposal does not involve a change of use, it is considered that the NESCS regulations do not apply to this application.

9.0 NATIONAL POLICY STATEMENTS (section 104(1)(b)(iii))

There are no National Policy Statements relevant to the assessment of these applications.

10.0 CANTERBURY REGIONAL POLICY STATEMENT (section 104(1)(b)(v))

The Canterbury Regional Policy Statement ("CRPS") is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Canterbury region. This document became operative in 2013.

The strategic objectives and policies of the CRPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources. The nature of these applications is such that the matters contained in the CRPS are not considered particularly relevant to this assessment.

11.0 ASHBURTON DISTRICT PLAN (section 104(1)(b)(vi))

The application AEE provides an assessment against the residential and noise objectives and policies of the Operative Ashburton District Plan. In addition, the assessment below includes assessment of the transportation related policy framework.

Otherwise, it is considered that the AEE identifies the relevant policy considerations for assessment of the applications and I largely agree with the assessment set out therein. On that basis a brief summary is set out below.

11.1 Residential Zones Objectives and Policies

The following objectives and policies of the Residential Chapter 4 of the Ashburton Operative District Plan 2014 are considered relevant to the assessment of this proposal.

Objective 4.1: Residential Amenity Values and Character

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

Policy 4.1B *Impose environmental standards on development and land use in the Residential Zones that provide the community with a level of certainty, and protect and enhance residential character and amenity values.*

Policy 4.1F *Provide for appropriate community based facilities to locate within residential areas where they meet a community need and are in keeping with the expected character and amenity values of residential areas.*

The introduction to the Residential Zone chapter (Section 4.2.3) notes that "It is important, therefore, to ensure compatibility between residential and non-residential activities if the standard of pleasantness and amenity in these areas is to be maintained at an acceptable level". As set out above, the consideration of the activity already established on the application site is in my view not within the scope of these applications, which is otherwise limited to the specific changes now proposed.

I do not agree with the Applicant's assessment "that the proposed activity will improve the existing character and amenity of the site including the softening of the appearance of the existing building". Rather, I consider

that the proposed enclosure and structure to enclose the pipework running up the building façade will not detract from, and remain compatible with, the existing character and amenity of the surrounding area.

The compatibility, standard of pleasantness, and amenity are also determined by compliance with the maximum noise limits set out in the District Plan. Condition 28 reflects the limits that applied at the time of the original consent application, which have been previously described above as both “extremely stringent” and “onerous”. The limits now included in the current District Plan are in my view more appropriate, and reflect the standards typically found in district plans applying to residential areas (including at night-time). The objectives and policies referring to noise specifically are further assessed below.

11.2 Transport Objectives and Policies

The following objectives and policies of the Transport Chapter 10 of the Ashburton Operative District Plan 2014 are considered relevant.

Objective 10.2: Transport Efficiency

The efficient use of the District’s existing and future transport infrastructure and of fossil fuel usage associated with transportation.

Policy 10.2C *To protect the efficiency of through traffic on State Highways 1 and 77, and their primary role as a carrier of through traffic, by strictly limiting vehicle access and vehicle crossings for high traffic generating activities.*

Policy 10.2E *To limit congestion and loss of efficiency of adjacent roads, by ensuring off-street loading is provided for activities.*

Objective 10.3: Transport Safety and Accessibility

The maintenance and improvement of the safety and ease of pedestrian, cyclist and vehicle movement throughout the District.

Policy 10.3B *To preserve road safety and accessibility by ensuring that standards of road design, vehicle access, vehicle crossings, loading, parking for people with disabilities and cycle parking are related to intended use of each site and the relationship to the adjoining road classification, and that visual distractions that may affect the safety of road users are avoided or mitigated e.g. lighting and advertising.*

Policy 10.3E *To ensure that the number, location and design of vehicle crossings and the intensity and nature of activities along roads is compatible with road capacity and function, in order to ensure vehicle, cyclist and pedestrian safety, and to strictly limit the establishment of high traffic generating activities with vehicle crossings to State Highways 1 and 77.*

Policy 10.3F *To ensure that convenient and accessible car parking for people with disabilities and cycle parking is available for both staff and visitors for all activities.*

Policy 10.3G *To ensure that on-site parking is designed and managed safely and efficiently, where it is provided.*

Objective 10.4: Environmental Effects of Transport

To provide for a transport network that avoids adverse effects on the surrounding environment.

Policy 10.4B *To ensure adequate car parking for people with disabilities, cycle parking and loading provision is made in association with all activities, which is sufficient to cater for normal generation demand.*

The proposal does not change the site access configuration, which does not include any direct access from SH1. Whilst the number of on-site staff car parks being provided reduces, the number of accessible parks is being maintained. The design and layout of the remaining staff parks is also not changing. The proposed activity undertaken on the application site will continue to be managed using the Visitor Parking Management Plan (VPMP), as required by Conditions 19 to 22 of the existing consent. On that basis the

proposal is considered to be consistent with the transportation related policy framework set out in the District Plan.

11.3 Noise Objectives and Policies

The following objectives and policies of the Noise Chapter 11 of the Ashburton Operative District Plan 2014 are considered relevant.

Objective 11.1: Effects of Noise

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

Policy 11.1A *To provide rules setting noise limits adequate for the protection of community health and welfare while enabling reasonable noise emissions from activities to occur.*

Policy 11.1B *To avoid or mitigate effects of noise on residential uses, by ensuring all activities meet standards in respect of noise measured on or near the property boundary, which will not compromise the qualities of the residential environments, and by discouraging residential uses from locating close to land zoned or used for noisy activities.*

Section 11.1 of the District Plan acknowledges that residential amenity is particularly sensitive to noise and that “these effects can impact upon people’s health and create animosity between neighbours”. The policies and methods have been established to protect residents from such adverse effects.

Based on the findings of the Acoustic Review undertaken by Mr Humpheson, I consider that the proposal, which is seeking to have the activity subject to the permitted activity standards included in the District Plan, to be consistent with the policy outcomes expressed above. Night-time noise limits are intended to allow for sleep amenity and the proposed relocation of the mechanical plant has been assessed to both comply with District Plan limits and reduce noise from that currently experienced (noting that this noise is in some case beyond that provided for in the existing consent).

11.4 Objectives and Policies Summary

Overall, it is considered the proposal is consistent with and supported by the above District Plan objectives and policies.

12.0 OTHERS MATTERS (section 104(1)(c))

Section 104(1)(c) sets out that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to any other matter the authority considers relevant and reasonably necessary to determine the application.

In the context of these applications no other matters are considered relevant.

13.0 CONCLUSION AND RECOMMENDATIONS

Resource consents are sought by the Ashburton District Council to replace and relocate air conditioning equipment at the Ashburton Museum and Art Gallery located at 329 West Street, Ashburton.

The proposed new built form, consisting of an enclosure structure adjacent to the existing building, is the subject of a new consent application as it is beyond the scope of what can be considered in the context of a change of condition pursuant to section 127 of the RMA.

As a consequence, changes are also sought to existing conditions imposed on LUC09/0025, namely in relation to noise (Condition 28).

The applications were processed on a limited notified basis with a total of six adjoining residential properties considered affected. At the close of the submission period a joint submission from each of those property owners was received opposing the proposal.

On receipt of the submission, the Council sought additional acoustic information from the Applicant. This was received and an Acoustic Peer Review report prepared to assist the reporting on these applications. That report, prepared by Mr Humpheson of T&T, is attached as **Appendix 1**.

Based on that assessment and that set out above, it is considered that on the basis of the statutory considerations required by sections 104 and 127, and subject to Part 2 of the RMA, it is appropriate to grant the new consent and change of conditions. However, rather than delete Condition 28 entirely, it is recommended that Conditions 28 to 30 are effectively replaced with acoustic conditions to require more effective implementation and monitoring to ensure the outcomes sought by the current District Plan framework are achieved in terms of ensuring the compatibility between residential and non-residential activities and maintaining the appropriate level of residential amenity for those living adjacent to the Ashburton Museum and Art Gallery.

13.1 Recommendations

13.2 Land Use Consent

It is recommended that 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.

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 Council Community Plan (LTCCP) will be required and payable at the time of Building Consent.

13.3 Change of Consent Conditions

It is recommended that 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 of LUC09/0025 applying to the establishment of the Ashburton Museum and Art Gallery at 329 West Street, Ashburton.

The changes to the following conditions are recommended (additional text shown in **bold underline**, deleted text shown in ~~strikethrough~~):

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.**

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~~ **1m from any accessible façade of neighbouring dwellings in accordance with NZS 6802:2008:-**

	<u>2400 hrs to 0700 hrs</u>	<u>0700 hrs to 0900 hrs</u>	<u>0900 hrs to 1700 hrs</u>	<u>1700 hrs to 2100 hrs</u>	<u>2100 hrs to 2400 hrs</u>
Monday to Friday	30dBA	40dBA	40dBA	40dBA	30dBA

Saturday	30dBA	30dBA	40dBA	30dBA	30dBA
Sundays & Public Holidays	30dBA	30dBA	30dBA	30dBA	30dBA

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

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.~~

Prior to the continuous operation of the new mechanical plant compound, the consent holder shall undertake a noise monitoring assessment conducted by a suitably qualified and experienced acoustic consultant. The assessment shall demonstrate compliance with the noise limits specified in Condition 28, as measured in accordance with NZS 6802:2008. The assessment shall be submitted to the Council for certification within one month of commissioning the plant. If non-compliance is identified, the consent holder shall implement additional mitigation measures to achieve compliance, to the satisfaction of the Council.

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, 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.

It is noted that the recommended deletion of Condition 30 as set out above will require consequential renumbering of the conditions following.

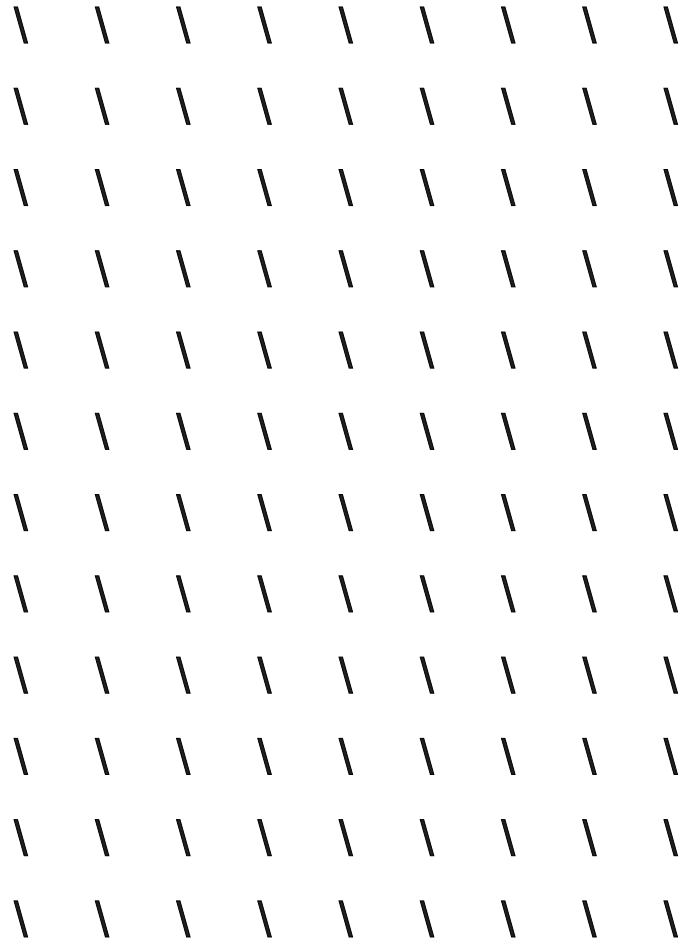
Report Prepared by:



Consultant Planner

23 September 2025

Attachment One – Recommended Approved Plans



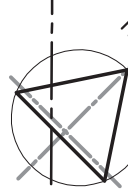
Ashburton Museum & Art Gallery Plantroom Relocation

Revision 7

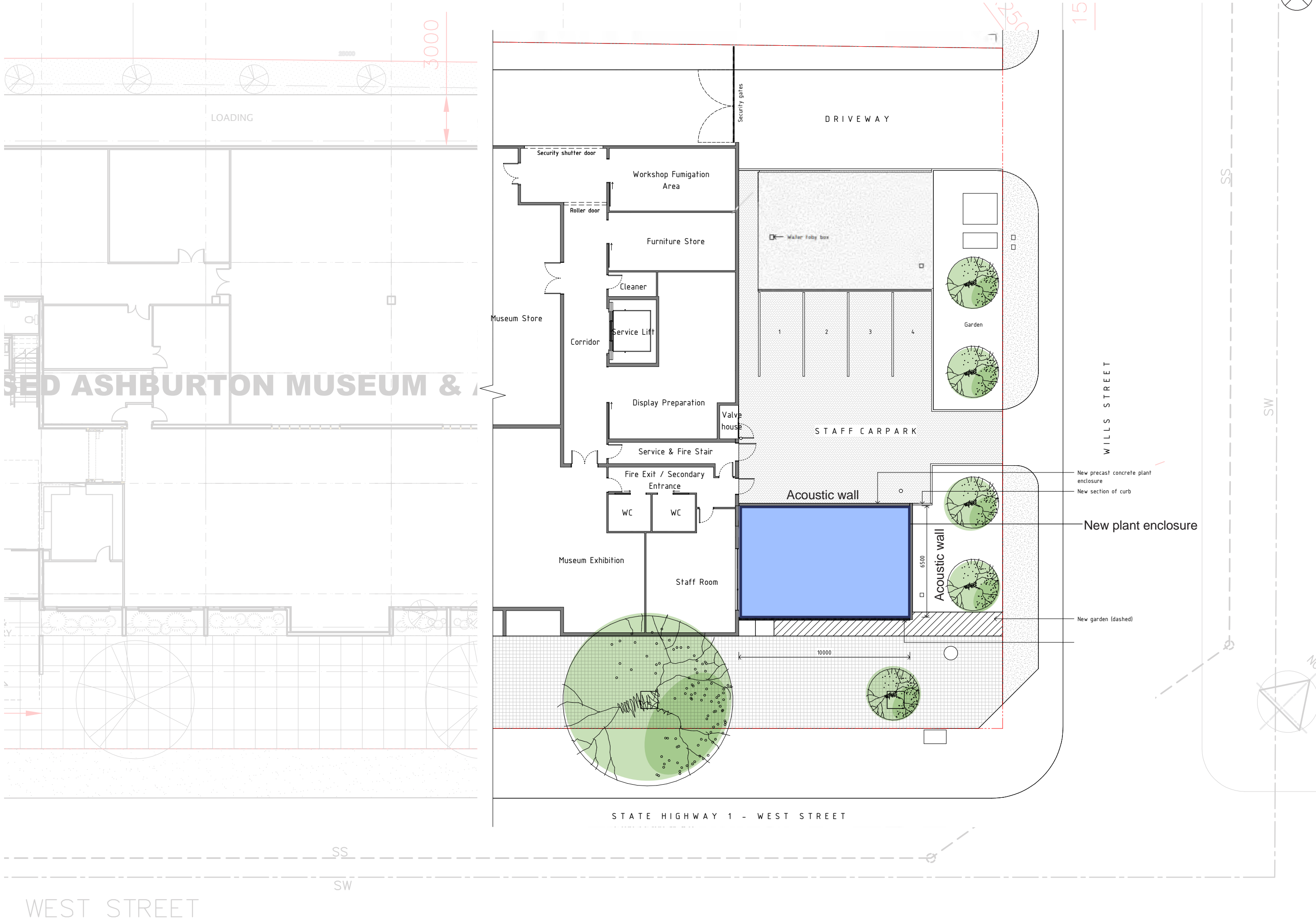
August 2024

Page 2

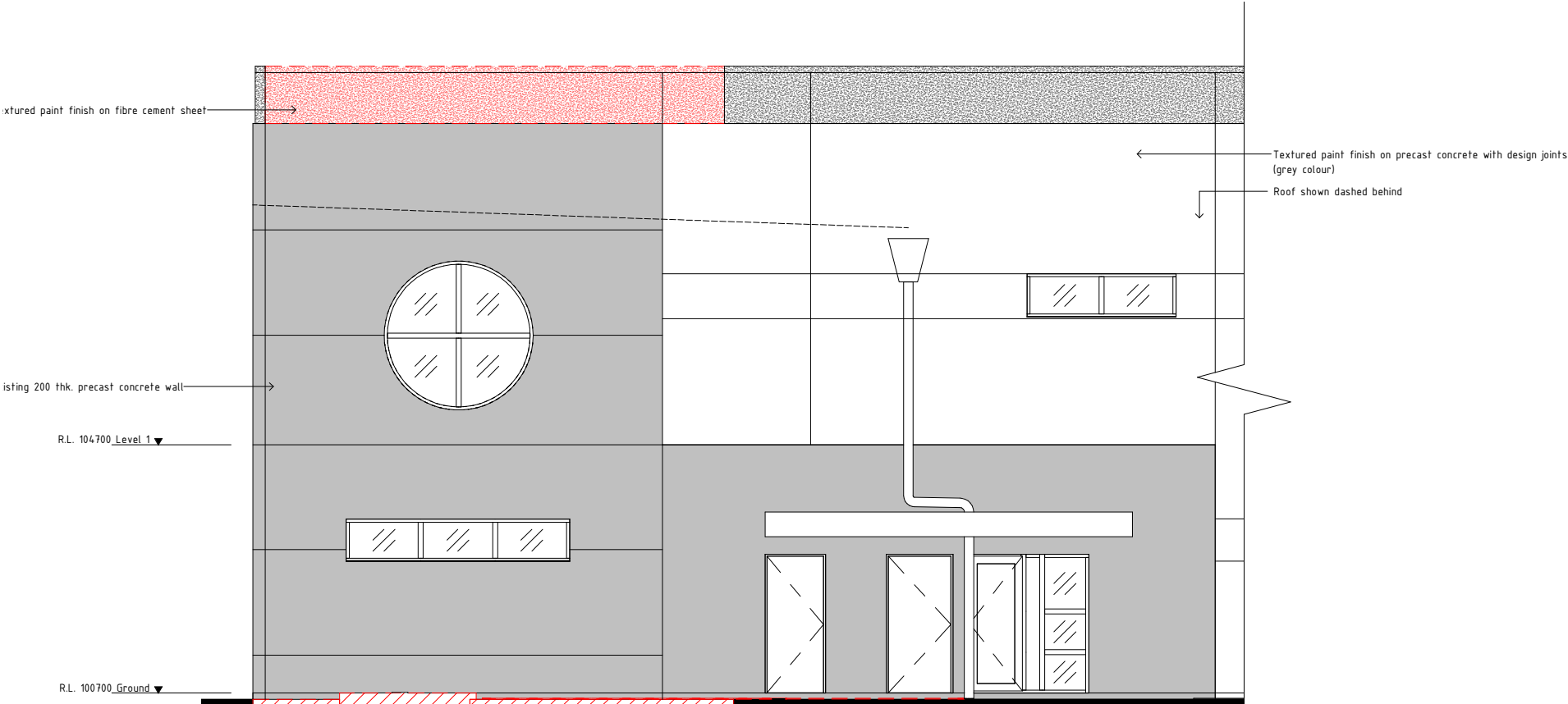
Scale nts



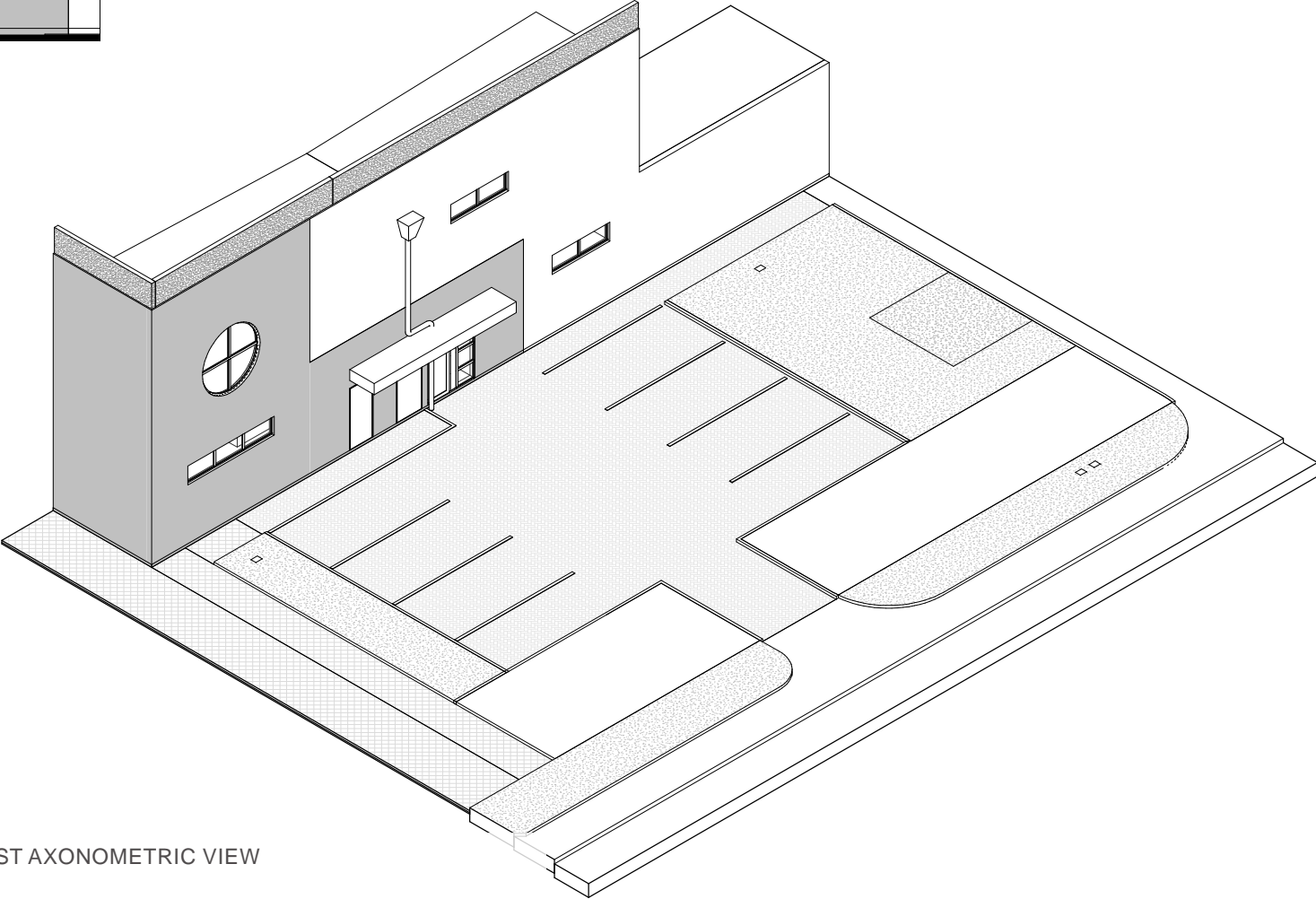
PROPOSED SITE PLAN - OPTION 1



EXISTING ELEVATIONS

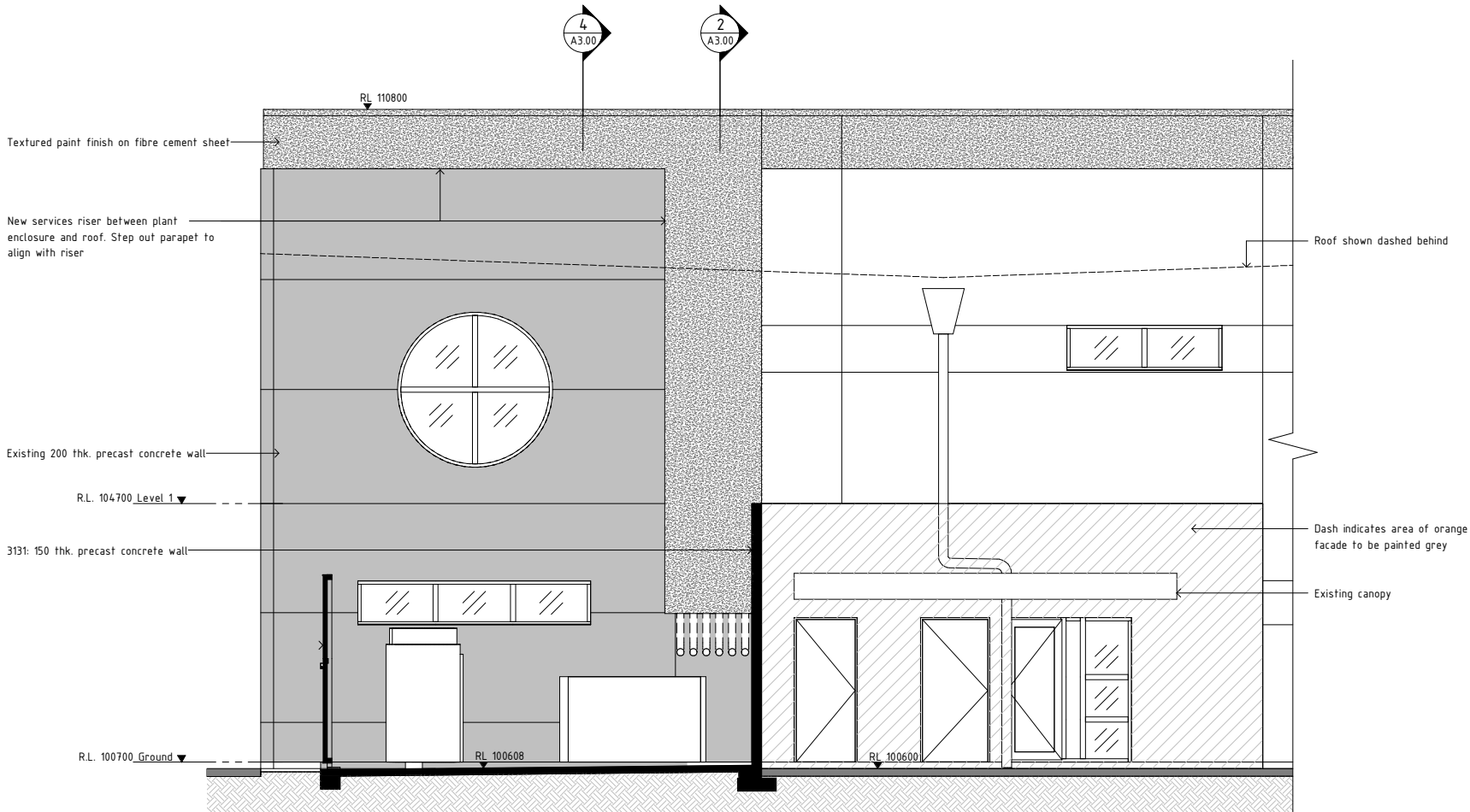


NORTH EAST ELEVATION

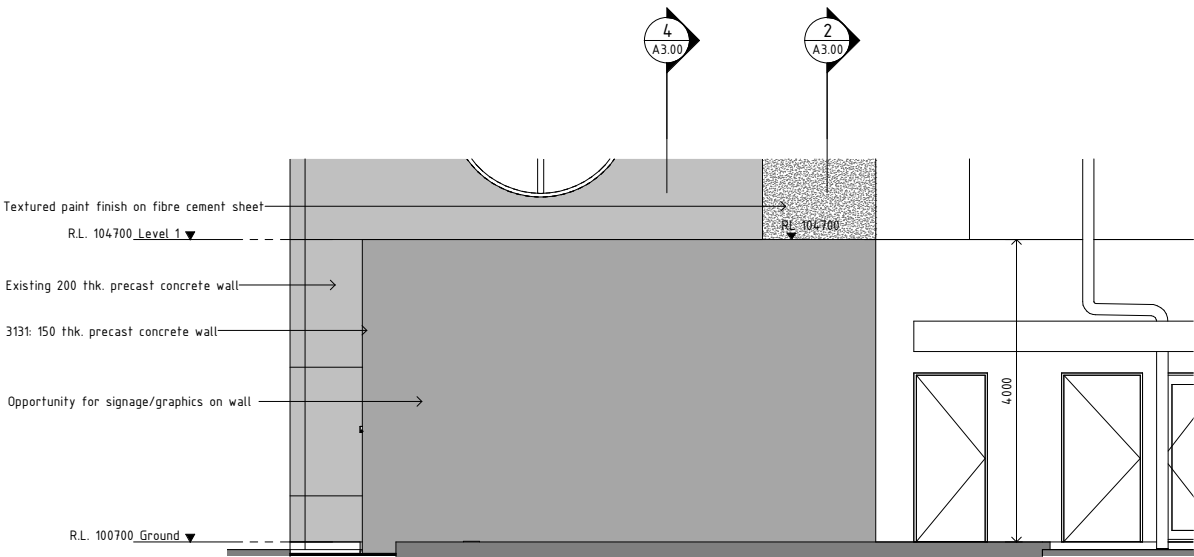


EAST AXONOMETRIC VIEW

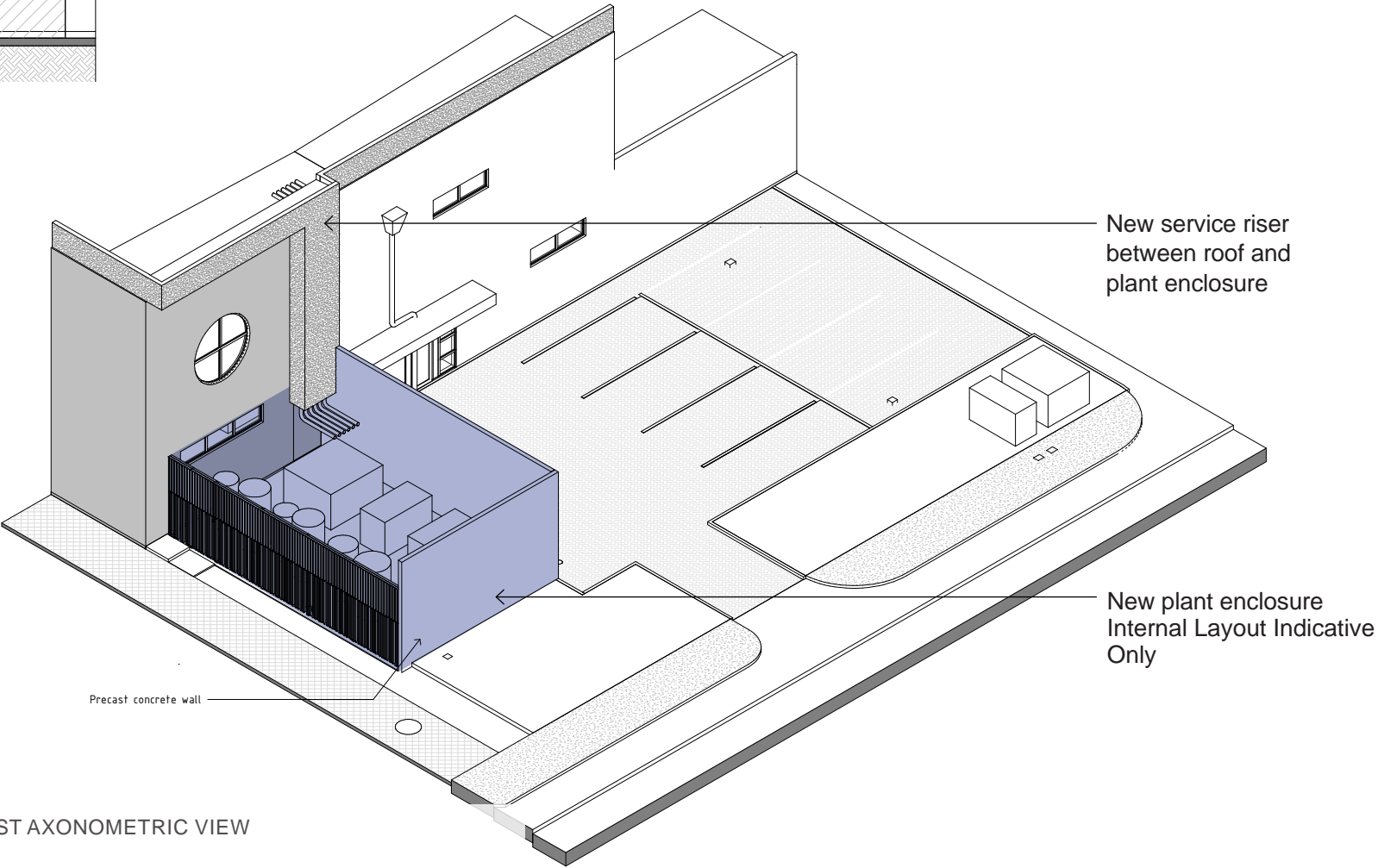
PROPOSED ELEVATIONS - OPTION 1



NORTH EAST ELEVATION (BUILDING)



NORTH EAST ELEVATION (PLANT ENCLOSURE)



EAST AXONOMETRIC VIEW



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

PROPOSED 3D - OPTION 1 WITH COLONNADE



COLONADDE ON SOUTH-EAST ELEVATION OF EXISING GALLERY BUILDING.

PROPOSED VIEW LOOKING WEST FROM WEST STREET (STATE HIGHWAY 1) SHOWING ALTERNATIVE PLANT ENCLOSURE DESIGN WITH COLONNADE.SIGNAGE INDICATIVE ONLY. ARTIST IMPRESSION ONLY

Appendix One – Acoustic Review Report

Mr Darran Humpheson

Tonkin & Taylor Ltd

22 September 2025
Job No: 1099517.0000

Ashburton District Council
PO Box 94
Ashburton 7740

Attention: Brad Thomson

Dear Brad

Ashburton Museum & Art Gallery
Plant Room Relocation - Acoustic Review LUC25/0028 and LCA25/0007

1 Introduction

This report presents an acoustic review of the proposed changes to mechanical plant at the Ashburton Museum & Art Gallery, located at 327 West Street, Ashburton. This acoustic review supports a report prepared by Mr Nick Boyes under Section 42A of the Resource Management Act 1991. The review considers the acoustic assessment prepared by Marshall Day Acoustics (MDA, July 2024), as well as subsequent responses to technical queries. The assessment is referenced against the original land use consent (LUC09/0025), the Ashburton District Plan, and the requirements of NZS 6802:2008 Acoustics – Environmental Noise.

The purpose of this review is to evaluate the adequacy of the applicant's assessment (MDA report), identify any areas of uncertainty or further work, and provide recommendations to Council regarding the reasonableness of the predicted noise effects and the need for mitigation.

The following documents have been reviewed:

- Ashburton Art Gallery - Assessment Of Noise Effects, Marshall Day Acoustics, Rp 001 20201147, 24 July 2024. (MDA report)
- Ashburton Art Gallery - Request For Further Information – Noise, Marshall Day Acoustics, 27 August 2025. (MDA response)
- Ashburton Museum & Art Gallery – Plantroom Relocation, Revision 7, Athfield Architects, August 2024
- Consent Order – ENV-2010-CHC-236, dated 20 May 2011.
- Joint Submission - Shearer, Haworth House Limited, Sauer, Smith, Chilton and Ross, 2 June 2025

This review has been undertaken by Mr Darran Humpheson, Technical Director of Acoustics at Tonkin & Taylor Ltd. Mr Humpheson is a member of the Acoustical Society of New Zealand and a member of the United Kingdom Institute of Acoustics. He has a Bachelor of Science degree with Honours in Applied Physics and a Masters of Science in Environmental Acoustics. He has over 30 years of experience in acoustics.

2 Proposal description

The Ashburton Art Gallery proposes to relocate several items of existing roof-mounted mechanical plant to a new ground-level plant compound situated on the northern part of the site. The new compound will also house additional new mechanical plant. The mechanical plant is expected to operate continuously, 24 hours a day, to meet the heating and cooling demands of the facility.

The nearest noise sensitive receivers are residential dwellings at 127 Cameron Street and 130 Wills Street, both of which are two-storey buildings and share a boundary with the Art Gallery site. The proposal includes the construction of a 4 m high acoustic barrier to the north and west of the plant compound, designed to mitigate noise emissions to the adjacent residential boundaries.

The mechanical plant to be relocated and installed includes:

- Two existing heat pump units (Carrier and Thermocold) and one new Carrier unit in the proposed plant compound.
- Six air handling units (Airpak) and three condenser units (Mitsubishi) remaining on the roof.

A site plan is shown in Figure 2.1. The site and surrounding properties are zoned Residential A under the Ashburton District Plan.

Figure 1: Aerial view of site, existing plant rooms and proposed new plant compound location



Figure 2.1: Site layout – Source: Figure 1 of MDA Report Rp001 20201147.

3 Relevant Noise Limits

3.1 District Plan Limits

The Ashburton District Plan sets out specific noise limits for activities in the residential zones, as follows:

Table 3.1: District Plan noise limits – Residential A (source Chapter 11 - Table 11-1)

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

Compliance is assessed 1 m from any accessible façade of neighbouring dwellings. The District Plan requires noise to be assessed in accordance with NZS 6802:2008.

3.2 Original consent (LUC09/0025 – Condition 28)

The original land use consent for the building services plant (LUC09/0025) imposed more stringent, time-varying noise limits, with the most restrictive being a night-time limit of 30 dB LAeq at or beyond the site boundary (2400–0700 hrs). Condition 28 is reproduced below.

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

3.3 NZS 6802:2008

NZS 6802:2008 is the principal New Zealand Standard for the measurement, assessment, and reporting of environmental noise. The Ashburton District Plan requires that environmental noise from activities, including mechanical plant, be assessed in accordance with NZS 6802:2008.

NZS 6802:2008 sets out detailed procedures for:

- **Measurement of environmental noise:** The Standard prescribes how and where noise measurements should be taken, including the use of appropriate instrumentation, calibration, and environmental conditions.
- **Assessment of noise levels:** It defines the calculation of key noise metrics such as LAeq (the equivalent continuous A-weighted sound level) and LAFmax (the maximum A-weighted sound level with fast time weighting), which are the basis for compliance with District Plan limits.
- **Adjustment for Special Audible Characteristics (SAC):** The Standard requires that if the noise exhibits certain characteristics—such as tonality, impulsiveness, or modulation—an adjustment (typically a +5dB penalty) is added to the measured or predicted noise level to account for increased potential for annoyance.

- **Assessment in complex environments:** NZS 6802:2008 provides guidance for situations where the noise environment is complex, such as where ambient noise (e.g., road traffic) may mask or interfere with the measurement of the specific source under assessment. The Standard allows for the use of predictive modelling and close-up measurements, with appropriate corrections, when direct measurement at the receiver is not feasible.

4 Existing noise environment

Noise monitoring was undertaken by MDA at a representative position adjacent to 130 Wills Street, with the microphone positioned approximately 4 m above ground level, aligned with the dwelling façade. Supplementary attended measurements were carried out at a location approximately 50 m from the centreline of State Highway 1 (SH1), representative of the noise received by both 130 Wills Street and 127 Cameron Street.

The results of the monitoring indicate that the existing night-time noise environment at the nearest dwellings is dominated by road traffic on SH1. Measured night-time noise levels are in the range of 47 to 59 dB LAeq, which is substantially above both the District Plan night-time limit (40 dB LAeq) and the original consent limit (30 dB LAeq). The quietest period during the night was recorded at approximately 2:45am.

These elevated ambient noise levels present a significant constraint on the ability to directly measure specific noise emissions from the mechanical plant at the site boundary, as the plant noise is masked by traffic noise for much of the night. T+T agrees with MDA's observations.

5 Predicted noise levels

5.1 Noise source data

The assessment of future noise emissions from the proposed plant compound is based on a combination of measured noise emissions from the existing mechanical plant and manufacturer sound power levels (LWA) for the proposed heat pump units. MDA adjusted manufacturer data where necessary to reflect measured performance. T+T considers that these adjustments are appropriate.

The sound power levels used in the analysis are as follows:

- New plant in compound:
 - Heat pump model 30RQS 090: 83 dB LWA (manufacturer data)
 - Heat pump model 30RQS 078: 84 dB LWA (measured by MDA)
 - Heat pump unit model Quattro Prozone: 87 dB LWA (measured by MDA)
- Remaining plant on roof:
 - Mitsubishi condenser units: 82 dB LWA (measured by MDA)
 - Fresh air unit: 65 dB LWA (measured by MDA)
 - Air Handling units (Airkpak): 78 dB LWA (measured by MDA)

5.2 Noise modelling and predicted Levels

Noise modelling was undertaken by MDA using SoundPLAN v9.0, implementing ISO 9613-2:1996 procedures for outdoor sound propagation. The modelling considered cumulative noise from both existing and proposed mechanical plant, including the attenuation provided by the 4 m high noise barrier.

Predicted noise levels at the residential site boundary (at a height of 5 m, representative of first-floor bedrooms) are as follows:

Table 5.1: MDA predicted noise levels

Assessment Position	Predicted noise level (dB LAeq, 1hr)	Night-time noise limit (dB LAeq, 1hr)	Complies?
130 Wills Street	38	40	Yes
127 Cameron Street	36	40	Yes

These predicted levels are below the District Plan night-time limit and indicate compliance with the permitted activity standards – day and night. Based on the information provided, T+T agrees that these predicted levels are reasonable.

6 Assessment of noise effects

The MDA assessment states that the total noise from both the proposed plant compound and the remaining roof-mounted mechanical plant can operate in compliance with the District Plan's permitted activity noise limit of 40 dB LAeq at night. The predicted noise emissions are expected to provide appropriate residential amenity, particularly with respect to sleep protection.

MDA notes that existing traffic noise levels at the adjacent residences are elevated at night, with measured LAeq,15 min values of 47 to 58 dB, substantially above the permitted activity noise environment. MDA considers that the contribution of the mechanical plant to the overall noise environment is relatively minor.

MDA concludes that the proposed relocation of the heat pumps to the new plant compound at ground level, combined with the implementation of noise mitigation measures (acoustic barriers), will result in a decrease in noise levels received by the nearest dwelling at 130 Wills Street. Overall, MDA considers that any potential adverse noise effects are minimal, and the existing residential amenity will not be substantially altered by the proposed changes.

7 Reviewer observations and evaluation of applicant's response

T+T raised three questions having reviewed the MDA report.

- 1 The permitted baseline is that consented under LUC09/0025 – Condition 28. How does the future building services noise environment compare to the noise generated by the existing plant and allowed for by LUC09/0025? To answer this question please provide a table similar to Table 3 of the MDA report to compare noise levels from the existing plant and future plant at 123 and 127 Cameron Street and 128 and 130 Wills Street. This would support the statement made in Section 6 of the MDA Report '*Therefore, we consider the proposed relocation of the heat pumps to the new plant compound at the ground floor with noise mitigation in place, will result in a decrease in noise levels received by the nearest dwelling at 130 Wills Street*'.
- 2 The District Plan requires noise to be assessed in accordance with NZS 6802:2008. Please confirm whether the existing plant or future plant exhibit any special audible characteristics and whether a tonality adjustment is warranted. Please provide frequency data (charts / tables) to support your assessment. Noting that noise levels have been measured by MDA, please provide 1/3rd octave data, rather than relying on the manufacturer's limited octave data included in Appendix D of the MDA Report.
- 3 The MDA report notes that measured road-traffic noise levels are elevated at night. As traffic flows at night are not continuous, there will be periods when traffic is not flowing (lulls in

between vehicles). Therefore, use of the LA90 background noise level [*for road-traffic noise*] is more appropriate when describing the significance of the noise emissions from the new building services plant. Please provide a chart similar to Figure 3 of the MDA Report with LA90 and LAmax data added. Please reconsider the statement made in the MDA Report that *'Overall, we consider that any potential adverse noise effects will be minimal, given the elevated noise levels in the receiving environment. As a result, the existing residential amenity will not be substantially altered by the proposed changes'*.

MDA responded to the above questions in their response dated 27 August 2024 (MDA response). The following sections comment on the MDA response.

7.1 Permitted baseline and comparative assessment

In response to Question 1 MDA provided estimated existing and predicted future noise levels at the requested addresses, based on measured rooftop plant data and operational staff input for night-time reductions (Table 1 of MDA response). The response indicates a reduction in noise levels at all locations following the proposed changes. The approach is reasonable given the constraints on direct measurement due to high ambient traffic noise. However, the MDA response does not directly assess compliance with Condition 28, instead explaining why this was not possible.

As compliance with Condition 28 is assessed at or beyond the boundary of the site, and predicted existing levels are 38–43 dB outside the facades of the nearest properties, existing levels are above Condition 28's noise limits. Based on the predicted results in Table 1 of the MDA response, there will be a perceptible reduction in plant noise due to the proposal. This reduction varies from 5 dB at 130 Will Street to at least 8 dB at 127 Cameron Street.

7.2 SAC and tonality

The MDA response confirms that neither the existing nor proposed plant exhibits SACs or tonality, based on measured and predicted 1/3rd octave band data at the nearest receiver (130 Wills Street). A frequency analysis chart is provided which supports this statement. The response is adequate, and evidence based, using appropriate frequency data.

7.3 Masking effects of road-traffic noise at night

T+T requested MDA to compare predicted plant noise levels (LAeq) to measured LA90 background road-traffic noise levels, as this approach would then describe the significance of noise emissions from the new building services plant during lulls in traffic. Accordingly, MDA provided a chart which is reproduced below in Figure 7.1. The chart includes the predicted plant noise levels and the measured LAeq and LA90 data in 15-minute periods, which is consistent with NZS 6802:2008.



Figure 7.1: Variation in night-time noise level at property boundary of 130 Wills Street – source MDA response Figure 2.

From the chart provided, LA90 levels are typically 10–14 dB lower than the LAeq during the quietest period of the night, confirming that traffic flows are infrequent during these periods. This means that at times, plant noise levels may be noticeable if people are awake during those periods. To fully address the query, MDA should have compared the predicted plant LAeq to the measured ambient LA90 at night, and discussed whether the plant will be audible or dominant during these periods. For example, between 2:45 am and 3:30 am the LA90 is comparable to the predicted plant noise level at 130 Wills Street. This means that if the building occupier is awake then plant noise will be noticeable. However, as the maximum external plant noise level is 38 dB LAeq at night, sleep disturbance effects (awakenings) are unlikely. MDA's concluding statement is therefore appropriate, i.e., 'adverse noise effects from the proposed mechanical plant will be minimal and will have negligible impact on existing residential noise amenity'.

8 Submission

A joint submission has been received from the occupiers of 124, 128, and 130 Wills Street, and 121, 123, and 127 Cameron Street. The submission raises three principal concerns regarding the proposal:

- 1 the adequacy of the acoustic assessment;
- 2 the relevance of SH1 noise as a justification for the proposal; and
- 3 the adequacy of acoustic barriers to mitigate noise at second floor levels.

Each point is addressed below, with references to the relevant sections of this review.

8.1 Adequacy of the acoustic assessment

The submitters question whether the acoustic assessment undertaken by the applicant is sufficiently robust and comprehensive. As detailed in Section 4 and 5 of this review, the assessment prepared by MDA is generally thorough and follows the requirements of NZS 6802:2008, as required by the Ashburton District Plan. The assessment includes both measured and predicted noise levels, considers cumulative effects from all relevant plant, and evaluates compliance with the District Plan (but not the original consent limits).

There are limitations in the MDA assessment due to the high ambient noise environment, which prevented direct measurement of plant noise at the site boundary. MDA addressed this by using close-up measurements and predictive modelling, which is an accepted approach under NZS 6802:2008 when ambient noise masks the source under assessment. The review also notes that while the assessment does not directly demonstrate compliance with the original consent limit (Condition 28), it does provide a reasonable comparison of existing and future noise levels, showing a predicted reduction in noise emissions at the nearest dwellings.

8.2 SH1 noise

The submitters argue that the presence of elevated SH1 traffic noise should not be used to justify the higher noise emission level and that there is no detailed analysis that road-traffic noise will mask the impact of plant noise. This concern is acknowledged and addressed in Sections 4 and 7 of this review. The assessment does not rely on SH1 noise to justify non-compliance; rather, it demonstrates that the proposed plant will comply with the District Plan noise limits, which are set to protect residential amenity regardless of background noise levels.

Section 7.3 of this review considers the potential for plant noise to be more noticeable during lulls in traffic, when SH1 noise is reduced. The review concludes that, while plant noise may be audible during these periods, the predicted levels remain below thresholds associated with sleep disturbance and are not expected to result in unreasonable adverse effects. The presence of SH1 noise is relevant only insofar as it affects the ability to measure and perceive plant noise, not as a justification for exceeding noise limits.

8.3 Acoustic barriers

The submitters raise concerns about whether the proposed 4 m high acoustic barriers will be effective in mitigating noise at first floor levels of adjacent dwellings. This issue is addressed in Section 5.2 and Section 7 of this review. The noise modelling undertaken by MDA specifically assessed noise levels at a height of 5 m, which is representative of bedrooms on the upper floors of the nearest dwellings. The predicted noise levels at this height are 38 dB LAeq at 130 Wills Street and 36 dB LAeq at 127 Cameron Street, both of which comply with the District Plan night-time limit of 40 dB LAeq.

The modelling accounts for the acoustic performance of the barriers and the propagation of sound to upper floors. The review finds that, provided the barriers are constructed and maintained as specified, they will be effective in achieving compliance at both ground and upper floor levels.

9 Conclusions and recommendations

The proposed changes to the mechanical plant at the Ashburton Art Gallery will result in a reduction in noise levels at the nearest dwellings compared to the existing arrangement. The predicted noise levels comply with the District Plan noise limits, provided the proposed mitigation (4 m high acoustic barriers) is implemented and maintained.

While compliance with the original consent limit (Condition 28) is not achieved, the proposal will achieve the District Plan's permitted noise standards. The assessment of special audible characteristics and tonality is robust, and evidence based. The potential for plant noise to be noticeable during traffic lulls is acknowledged, but the overall impact on residential amenity is considered negligible.

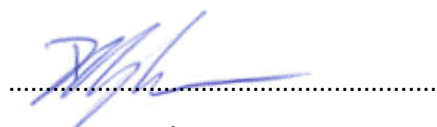
It is recommended that Council require the installation and maintenance of the proposed acoustic barriers as a condition of consent. As MDA's assessment relies on predictive modelling and close-up measurements due to elevated ambient noise levels from SH1, it is recommended that a condition be imposed requiring a post installation noise assessment to verify compliance with the District Plan's noise limits.

10 Applicability

This report has been prepared for the exclusive use of our client Ashburton District Council, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

Tonkin & Taylor Ltd

Report prepared by:



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22-Sep-25

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