

3 March 2010

Bloxam Burnett and Oliver LTD
18 London Street
PO BOX 9041
Att Steve Bigwood
Hamilton

Dear Sir

**LAND USE RESOURCE CONSENT — 10.2009.19873.002 (37/1/3561C)
CHANGE OF CONDITION, GENERAL ACCORDANCE IN RELATION TO A NEW
PARKING BUILDING AND LAYOUT OF SITE SITUATED WITHIN THE CENTRAL
COMMERCIAL SERVICE ZONE AT 14 LIVERPOOL STREET HAMILTON**

I wish to advise that consent for the above mentioned application was granted under delegated authority and subject to the following conditions being completed to the satisfaction of the Council:

That pursuant to the provisions of sections 95 and 127 of the Resource Management Act 1991, the Hamilton City Transitional District Plan and the Hamilton City Proposed District Plan, Council grants consent to the application by RH Holdings (Auckland) Ltd (being Resource Consent 10.2010.19873.002 (37/1/3561C) to amend condition 1 of the landuse consent for Northmall Shopping Complex in the Commercial Service Zone (Central) at 14 Liverpool Street, Hamilton, as follows:

A. Conditions Changed

That condition (1) be amended to read as:

"That the development be in general accordance with the plans and information submitted with the application received on 9 October 2008. Upon construction of the car park building authorized by Land Use Consent (2010/009NN), the development shall alternatively be in general accordance with the amended site plan prepared by Woodhams/Meikle/Zhan Architects, drawing number SKID-rev3, dated 12 February 2010."

B. Other Conditions

That all other conditions of consent (37/1/3561) shall remain unchanged.

Reasons for the Decision

- a. *The change of condition is recommended to be approved on the grounds that the change will result in a more appropriate outcome for the consent*

holder. A change in the car parking layout will better suit the manoeuvrability of on site vehicles.

- b. All other conditions of Resource Consent 10.2008.19873.01 (37/1/3561) granted on 28th of October 2008 shall continue to apply.
- c. Council is satisfied that the adverse effects of the activity after the proposed change of condition will continue to be minor. The change of condition application has not resulted in any persons being considered to be adversely affected by the proposal, as the predominant use of the site will remain unchanged and is of a nature that is suited to this area.
- d. The incorporation of a gymnasium is a permitted activity and will better suit the needs of the City. A TIA has been submitted with the landuse consent (2010/009NN) supporting the proposal, as the Northmall complex will be unable to comply with parking standards associated with the proposed gym.

Advisory Notes

- Resource Consent File 10.2008.19873.01 (37/1/3561) should be read in conjunction with this Change of Condition File 10.2010.19873.002 (37/1/3561C).

Objections

Pursuant to section 357(2) of the Resource Management Act 1991, if you disagree with this decision or any conditions of consent, you may lodge, in writing to Council an objection within **15 working days** after the receipt of this letter.

Please note, if you do not intend to object to the consent or any of the conditions of consent, you may complete a Declaration Form, return it to the Planning Guidance Unit, and have the planning aspect of your building consent approved prior to the 15 working day objection period expiring.

Compliance and Monitoring

This resource consent allows the land use to be carried out at the site specified in the consent, provided the conditions of the consent are met. Under Section 35 of the Resource Management Act 1991, Council will monitor and enforce compliance with resource consents it has granted.

Pursuant to section 127 of the Resource Management Act 1991, consent conditions may be amended or cancelled on application to Council if there has been a change in circumstances making the conditions unnecessary or inappropriate.

Yours faithfully



Gulab Bilimoria
Planning Guidance Manager

Please ask for:

Fraser McNutt

Planner

Municipal Offices

Garden Place, Hamilton

Phone 07 838 6421

Fax 07 838 6819

Planning Guidance