



6 September 2010

Bloxam Burnett & Olliver

PO Box 9041

Hamilton 3240

Dear Mr Inger

**RE: LAND USE CONSENT 010.2010.000019873.003 (37/1/3561c2)
CHANGE TWO CONDITIONS OF AN APPROVED RESOURCE CONSENT**

After consideration of the information and plans submitted with the application, I advise that Council's decision is as follows:

That pursuant to the provisions of sections 95 and 127 of the Resource Management Act 1991, the Hamilton City Proposed District Plan, Council to the application by Bloxam Burnett & Oliver for the consent holder RH Holdings (Auckland) Limited, being Resource Consent number 010.2010.19873.03 (37/1/3561c2) to change two conditions of an approved resource consent s situated on Lot 1 DPS 88259 located at 13-19 Ulster Street Hamilton.

A. Conditions Amended

"1. That except as amended by the plans and information submitted with resource consent application 37/1/3561c2 the development shall 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 authorised 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 as well as the plans and information submitted with resource consent application 37/1/3561c2

"10. That the planting be in accordance with the submitted site plan received by Council on the 9th October 2008 28 July 2010 and shall be of a permeable nature consisting of a combination of groundcovers, shrubs, and trees with a mature growth height of less than 3m but over 0.5m. Planting shall be designed not to obscure visibility for road users."

B. Other Conditions

All other conditions of Resource Consent (37/1/3561) and subsequent changes to conditions shall continue to apply.

REASONS FOR THE DECISION

a) The statutory tests set out under section 127(3)(a) that the adverse effects of

the activity after the proposed change of condition will continue to be no more than minor for the following reasons. No persons are considered to be adversely affected by the change in condition. The proposed alterations still comply with the bulk and location standards and the proposal can still achieve compliance with all the relevant development standards that the original land use consent met under the Proposed District Plan.

b) Councils Urban Designer and City Safe Operations Manager supports this application.

d) All other conditions of Resource Consent (37/1/3561) shall continue to apply.

Advisory Notes

- *Resource Consent File 37/1/3561) should be read in conjunction with Change of Condition File 37/1/3561c2).*

Objections or Appeals

This consent is subject to sections 357 and 358 of the Act (which deal with rights of objection and appeal). If you decide to make an objection or lodge an appeal in respect of the whole or any part of the above decision, you should do so within 15 working days of receipt of this letter.

Building Consents

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 expiration of the 15 working day objection period.

Compliance and Monitoring

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

Change or Cancellation of Conditions

The Consent Holder may apply to Council for a change or cancellation of a condition of the consent, and is required to obtain written approval from every person who may be affected by the change or cancellation.

Other Notes

Please note that there must be continued compliance with all of the consent conditions when the land use has been established.

If you have any queries about the consent, please contact the Hamilton City Council.

Yours faithfully



Gulab Bilimoria

PLANNING GUIDANCE MANAGER

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