

8 November 2007

Wise Management Services Ltd
C/- C & M Planning Ltd
P O Box 14178
Hamilton

Dear Sir/Madam

LAND USE RESOURCE CONSENT: 10/2007/18709 (37/1/3408)**Construct extensions to an existing building to be used for offices on a site in the
Commercial Service Zone,
293 Grey 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 Council:

*That pursuant to the provisions of sections 19, 94, 104C and 108 of the Resource Management Act 1991 and the Hamilton City Proposed District Plan (references version), Council **grants consent** to the application by Wise Management Services Ltd being Resource Consent No. 10/2007/18709 (37/1/3408) to:*

- *Construct extensions to an existing building to be used for offices on a site in the Commercial Service Zone which encroaches the front setback and fails landscaping (assessed as a Restricted Discretionary Activity).*

Situated on Lot 1 DPS 72967 and Lot 2 DPS 72967 at 293 Grey Street, Hamilton, subject to the following conditions:

General

1. *That the development be in general accordance with the plans and information submitted with the application received on 11 October 2007.*

Encumbrance

2. *Prior to the issue to any Building Consents for the proposed development an encumbrance shall be registered on Certificates of Title SA58D/68 and SA58D/69. The purpose of the encumbrances shall be to ensure that the land contained within Certificates of Title SA58D/68 and SA58D/69 are not transferred, leased or otherwise disposed of except in conjunction with each other. The consent holder shall provide a written undertaking to the Planning Guidance Manager to confirm that the required encumbrances have been registered on the respective Certificates of Title prior to the release of any Building Consents.*

Parking, Loading and Access

3. *That all 89 on-site car parking spaces, loading and associated vehicle manoeuvring areas and access(es) be formed and drained and thereafter maintained with an all-weather, dust-free surface such as concrete, cobblestones, chip seal or asphalt.*
4. *All 89 required on-site car parking spaces and internal loading space are to be delineated with white/yellow painted lines as applicable or any other method as approved by the Manager, Roads and Traffic Unit. Accessible car parks and loading spaces shall be delineated with yellow painted lines and identified with appropriate signage.*
5. *That provision be made on site for a minimum of 2 accessible spaces for parking for disabled persons vehicles with a minimum width of 3.5 metres each.*
6. *That a loading bay be provided, with manoeuvring areas, sufficient to accommodate those vehicles which will normally visit the site and that are adequate for the volume of goods involved.*
7. *That the obsolete vehicle crossing on Grey Street be removed and replaced with kerb and channel, footpath and grass berm to match the surroundings.*
8. *That where any sealed carpark or landscaped area adjoins a road, kerbing or similar barrier not less than 125mm shall be provided.*
9. *That all works shall be done to the requirements of the Hamilton City Development Manual and/or to the satisfaction of the General Manager Works and Services.*

Landscaping/Screening

10. *That a minimum of six trees in the form of internal planting be planted in the car park area at the rear of the site.*
11. *That a minimum 1.0 metre wide planting strip be planted along the boundary adjoining Grey Street as per the submitted site plan. The planting strip shall be of a permeable nature with planting consisting of a combination of groundcovers, shrubs, and trees, and shall be designed in such a manner so as to not obscure visibility for road users.*
12. *That the existing concrete block fence be retained around those parts of the car park which adjoin the Residential Zone to the south and west.*

Noise

13. *Noise generated from any activity undertaken on the site shall not exceed the following noise levels when measured at any point at or within the boundary of any site in the Residential Zone:*

<i>Monday to Saturday</i>	<i>Noise levels measured in L10</i>	<i>Noise levels measured in Lmax</i>
0600 - 0700 hr	45 dBA	-
0700 - 2000 hr	50 dBA	-
2000 - 2300 hr	45 dBA	-
2300 - 0600 hr	40 dBA	75 dBA
<i>Sunday & public holidays</i>		
0700 - 2300 hr	45dBA	-
2300 - 0700 hr	40dBA	75 dBA

Glare and Lighting

- 14. *That the spill of light onto any site in the Residential zone does not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any other site so zoned.*
- 15. *That any artificial lighting shall not result in illumination on roads which may dazzle or distract road users or interfere with any traffic aids or signals.*
- 16. *That the service area be maintained with an all-weather dust free surface.*

Reasons for the Decision

Objectives and Policies

- a. *Subject to the above conditions, the proposal is not contrary to the relevant objectives and policies of the Hamilton City Proposed District Plan (Reference Version).*

Resource Management Amendment Act 2003

- b. *This resource consent application was received by Council after 1 August 2003 and has therefore been assessed exclusively under the provisions of the Proposed District Plan (References version) in accordance with the requirements of the Resource Management Amendment Act 2003.*

Non-notification

- c. *Pursuant to section 94 of the Resource Management Act 1991 the application has not been publicly notified as the adverse effects of the proposal will be minor and no parties are considered to be potentially adversely affected by the granting of this consent. These factors enabled the application to be processed without public notification.*

Relevant statutory Provisions Considered in the Assessment of This Application
Part II, Sections 19, 94, 104, 108, Resource Management Act 1991.

- d.

Relevant Plan Provisions Considered in the Assessment of This Application

- e. *Hamilton City Proposed District Plan (References Version):*
 - i. *Rule 4.4 Commercial Service Zone Standards*
 - ii. *Rule 5.1 City Wide Standards*
 - iii. *6.3 Objectives & Policies – General Business Activities*

Veranda in the Front Setback

- f. *Approval is given to construct a veranda which encroaches the front setback on Grey Street as the veranda will be made of glass, is relatively small and will provide all-weather access for pedestrians to the front of the building.*

Landscaping and Screening

- g. *Dispensation is given for a 1.0 metre wide planting strip along some of the frontage of Grey Street as the current building does not have any landscaping and the existing building layout limits the extent to which landscaping can be accommodated within the setback while ensuring that the two car parks can retain on-site manoeuvring.*
- h. *As the proposal will provide more than 89 car parks, six trees are required in the form of internal planting. This will serve to soften the adverse visual effects of the large formed parking area.*
- i. *The condition requiring the concrete block fence to be retained will ensure that adequate screening of the car park is provided to those residential sites along the south and west boundaries.*

Encumbrance/Amalgamation

- j. *The site plan indicates that the development will include land contained in two disparate certificates of title. The viability of the proposed development is partially depended on unencumbered access to the proposed vehicle parking spaces on an abutting site. For this reason, a condition has been imposed to ensure that the land contained in the two abutting certificates of title are held under a single ownership such that each allotment cannot be independently transferred or leased.*

Formation

- k. *Formation of the car parking spaces, loading and associated vehicle manoeuvring areas allows for all-weather use and helps to protect the amenity values of neighbouring properties.*

Noise

- l. *Noise level restrictions serve to reduce adverse noise effects that may be generated from a particular site.*

Main Findings of Fact

- m. *The development is considered to result in a good standard of amenity and practicality and will not adversely affect adjoining sites.*

Advisory Notes

- *That compliance in all other respects with Council Bylaws, all relevant Acts, Regulations, and rules of law be met.*

- Building Consent may be required before giving effect to this Resource Consent. Please contact Council's Building Unit on 838 6677 for information on Building Consent matters.
- All construction noise shall comply with the provisions of New Standard NZS 6803:1999 "Construction Noise Standard" and shall be measured and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound".
- The Water and Waste Services Unit of Hamilton City Council administers the City's water, wastewater, stormwater and refuse services. Service connections, and other issues such as, the proximity of buildings to public pipelines within the property, will be dealt with in conjunction with the Building Consent for the proposed development. If sub-division is also proposed, conditions will be imposed relating to the location, size, etc. of pipeline services within the development.
- Please request approval from Hamilton City Council's Arborist (Doug Rowe ph 838 6671 or 021 967 377) if the development will have a potential impact on any of the existing street trees in the vicinity of the site.
- Please note that the City Solicitor is Swarbrick Dixon, PO Box 19010, Fourth Floor, Bryant Trust building, Alexandra Street, Hamilton, Phone (07) 839 5166, Fax (07) 839 3439. Contact Michael Dixon.
- Please note that any proposed signage will need to comply with Rule 3.1 of the Proposed District Plan. Any sign associated with an activity on the site which is free standing from the building shall be restricted to:
 - One double sided sign for each road frontage subject to the area of each face of the sign not exceeding 1m² for every metre of site frontage.
 - A maximum sign height equal to the building height associated with the underlying zone.
- If this property is on-sold to a new owner(s) please ensure that a copy of this resource consent is forwarded to the new owner(s).

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 (PG C9), 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.

Lapse of Consent

This resource consent lapses on the expiry of **five years** after the date of this letter, unless the consent is given effect to by the end of that period. To give effect to this consent, the activity allowed by this consent must be established and the conditions contained in this consent complied with. Please note that there must be compliance with all of the consent conditions once the land use has been established.

Yours faithfully



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