

13 May 2010

WAITEMATA DISTRICT HEALTH BOARD
C/- Simon Yates Planning Ltd
PO Box 68217
Newton
AUCKLAND 1145

Dear Simon,

**REQUEST FOR FURTHER INFORMATION IN ACCORDANCE WITH
SECTION 92 OF THE RESOURCE MANAGEMENT ACT 1991**

Resource Consent Application: LUC-2010-453
Proposal: To establish a dental clinic and car park
Site Address: 70 Lincoln Road, Henderson

The purpose of this letter is to advise you that Council requests further information in order to fully assess and determine the application.

Please provide the following information to enable an adequate analysis of your proposal, its effect on the environment and the way in which any adverse effects on the environment may be mitigated.

1.0 Planning Requirements

1. Identify the hours that the dental clinic would operate. Please note that the conclusions within the Transport Assessment provided with the application are based on hours of operation that are not mentioned elsewhere in the application documents.
2. Confirm whether the use of the dental clinic would be restricted to students from local schools or whether the clinic would also be available for use of general members of the public.
3. The following infringements of the District Plan were not identified in the Assessment of Effects (AEE) provided with the application documents:
 - Development at a former horticultural site with potentially contaminated soil (Hazardous Facilities & Contaminated Sites Rule 2)
 - Works within the dripline of protected vegetation (General Natural Area Rule 2).
 - Signs (Living Human Environment Rule 15)

The AEE needs to be expanded to discuss these infringements and the following information is also required:

- Identification of whether any works methodologies will be implemented to protect the receiving environment from the spread of potentially contaminated soil, and what those methodologies are.
- The colour scheme of the proposed signs.

4. The following effects were not discussed within the AEE provided with the application:
 - The impact of the proposed signs upon the visual and residential amenities associated with the area.
 - The effect of the increase in traffic along the driveway upon the amenities of the adjoining residential sites (particularly in terms of noise and residential character).

Please expand the AEE to describe and discuss these effects. Provide details of any mitigation proposed (such as acoustic fencing or additional screening). If it is considered that the potential adverse effects could be more than minor in scale it may be appropriate to obtain the approval of the affected property owners.

5. The plan titled 'Proposed Site Plan Drawing 02' prepared by Kay & Keys Architects identifies that the proposed signs would be illuminated:
 - a. Identify the candelas per square metre for the signs
 - b. If an infringement of the rules is proposed, identify the hours during which the signs would be illuminated, and
 - c. Expand the AEE to discuss the effects of the illumination upon the level of amenity available to residents of adjoining sites in terms of sleep disruption, the dark night-time sky environment, glare, aesthetics, road safety, and any other effects considered relevant.

2.0 Arboricultural Requirements

Council's Arborist West Fynn requests the following information in order to enable an adequate assessment of the effects of the proposal upon vegetation:

1. Provide a plan which indicates the route of services (power) for the illuminated signage at the front and rear of the property.
2. Outline the methodology for the insertion of any services within the proposed driveway.
3. Provide details of any proposed change to the contour of the driveway, in particular within the dripline of the eucalyptus tree. Please note that raising the surface of the drive above existing tree roots will increase the longevity of the driveway surface.
4. Specify the distance between the foundations of the proposed dental facility and the Indian Bead tree (*Melia azedarach*) located to the south of the building footprint.

3.0 Additional Notes:

1. The plans provided with the application show that the 2m² signs would be located within the road reserve in front of the school. This is not acceptable to Council's Transport Assets department therefore it is not possible to grant consent for the signs in the locations proposed. If you wish to erect the proposed signs at different locations a site plan must be provided that identifies the chosen location of the proposed signs.
2. The infringement of Living Human Environment Rule 15: Signs changes the status of the consent to a Non-Complying Activity. If the sign were to be located on the site to which it relates and did not exceed 1.5m² this infringement would be reduced to a Limited (Restricted) Discretionary Activity and the overall consent would be classified as a Discretionary Activity.

Pursuant to S.92A of the Resource Management Act you must respond in writing to the following information request by 3 June 2010 by undertaking one (or more) of the following options:

1. Provide the information.
2. Request, in writing, an alternative date by when this information would be provided. The revised timeframe would need to be agreed to by Council. The application would remain suspended until this time. If you agree to provide the information but do not nominate a timeframe then Council will set a reasonable time within which you must comply, and will notify you of this.
3. Advise in writing that you are refusing to provide the information if you consider the information request to be unnecessary to enable the determination of the application.

No notification decision has been made to date. If no response is received to any of the options by 4 June 2010, or you refuse to provide the information under Option 3 Council pursuant to Section 95C of the Act must publicly notify the application.

In accordance with the Resource Management Act, processing of your application will be suspended until the indicated date, pending your response to this request. Please note that the processing clock will stop as this is the first request for additional information.

Please note that the Resource Management Act prescribes a detailed process for the issuing of requests for further information, and the options available to an applicant when responding to these requests. This letter is intended as a summary only of the legislative processes involved. Requests for information are issued by Council in order to facilitate the efficient processing of your application, and to ensure that all necessary information is before Council to ensure best practice decision-making takes place. If you wish to query Council's information request then we suggest that you contact the author of this letter to discuss prior to taking any formal steps under the Act.

If you have any queries regarding the above, please don't hesitate to contact myself on 836-8000 ext 8532 or by email to sophie.arthur@waitakere.govt.nz.

Yours faithfully



Sophie Arthur
Resource Planner