

Presentation to Kaipara District Council Ordinary Council Meeting at 9.30 on 25 October 2018 at Northern Wairoa War Memorial Hall, Dargaville

My name is Burnley Jones.

I speak on behalf of my wife Brenda, next to me.

We live at 74 Doctors Hill Road, Maungaturoto.

We purchased from Michael Wearmouth a 2,700 sq. section in September 2015 after obtaining a LIM.

When we applied to have a relocatable house put on the property, we applied for a PIM issued May 2016

We relocated a dwelling on to the property on 22 June 2015, with consent from the KDC and in July this year, with the necessary renovations having been inspected and approved we were verbally told to go ahead and apply for a Code of Compliance.

There was and is one stumbling block to getting a C of C – Resource Consent.

Rule 12.10.9 that was introduced in the District Plan 2013 in order to protect Fonterra (Maungaturoto Dairy Factory) from having nearby residents complain about factory noise. (think motor bikes @ Western Springs in Auckland).

We don't oppose the Rule (per se) and fully realize the value of the Dairy Factory to the community.

This Resource Consent Rule 12.10.9 was not stated, as it should have been along with the other Rules, which were stated on the PIM or LIM.

We were given an OK by the building inspector at the final inspection on 10 July 2018 but we then had to get all the necessary building paperwork into the council .

After a meeting with Dwayne Daly to go over the paperwork two days later we were advised that with a few minor details all was OK to apply for C of C.

Then on the 19 July 2018 we were told about the Rule 12.10.9. and that we needed to talk to Steven Gale at Fonterra Maungaturoto Dairy Factory..

One of the conditions of the Rule is that a decibel reading of 35decibels or above cannot be heard in the main rooms of the dwelling with the required degree of ventilation.

If not below 35d, air conditioning and double glazing could be required to obtain the accepted noise level. This applies to one bedroom only on the property, where the noise is virtually inaudible on a still night. This noise does not concern us.

A meeting between Fonterra and the council was held in early August to discuss this Rule. We were told by the council to talk to Fonterra – they in turn said "Talk to the Council".

We have agreed with Fonterra to carry out a noise test, and have asked them to perhaps visit the property and check the miniscule noise factor for themselves. (we are only a few minutes away)

A noise test would cost (according to Fonterra) in our situation about \$1-2k. We do not have a spare \$2k for the noise tests.

As the PIM and LIM issued by the KDC did not state this Rule we question why we should be subject to said payment, let alone air conditioning and double-glazing costs.

We also understand an annual noise monitoring test should be carried out and recorded by the Factory so they comply with Rule 14.10.14. We have requested from KDC copies of these results with nothing forthcoming so far.

We have asked Fonterra for the property to have a covenant accepting a possible noise level placed on the title, but Fonterra still insist on a noise test. This being the case no need for a covenant.

At our age it is essential being able to sell a property should the need arise. Without a Code of Compliance this is made almost impossible.

Similarly our insurance company has said that now our renovations are complete we need to have a Code of Compliance to renew our policy in December.

This debacle has been to-ing and fro-ing since 24 July 2018 and we wish it speedily resolved. We have records of all correspondence since then.

We are not the only party affected by this state of inaction.

Rule 12.10.9

- * No notification until 19 July 2018
- No notification at Purchase time September 2016
- No reference on LIM 30 September 2015
- No reference on PIM 6 May 2016

Once we knew about the Rule these are the measures we have taken to resolve the situation about Rule 12.10.9

Date	Message	Comment
12/7/18	Meeting with Dwayne Daly	Dwayne went over the papers I have. Explained the two forms to fill in. Signed handwritten list of what to put in Assessment of Environmental Effects. No mention of Rule 12.10.9
19/7/18	Email from Dwayne Daly	Wording of Rule 12.10.9. You will need to talk to someone from Fonterra
24/7/18	Email from Dwayne Daly	Contact at Fonterra
24/7/18	Email From Dwayne Daly	Dwayne spoke to John Dowden. Documents to be provided for C of C.
24/7/18	Rang Steve Gale Environmental Manager Fonterra Maungaturoto Factory	Advised him of situation
25/7/18	Email from Steve Gale	Thanks for call. He has had discussion with Fonterra's National Policy & Planning Manager. Gathering information. Want copy of PIM.
25/7/18	Email from B Jones to Steve Gale	Sent copy of PIM.
30/7/18	Email to Tanya RDC (copy to Dwayne Daly)	Sent info. To Tanya about the Fonterra situation to ask what happens if this is not resolved before the cutoff date for our application.
1/8/18	Rang Steve on work & mob numbers	Left a message. No reply.
7/8/18	Rang Dwayne Daly	Asking for a pre-

		compliance meeting
7/8/18*	Email to Dwayne Daly	No reply from phone call so sent email
8/8/18	Rang Steve Gale	Meeting arranged this afternoon between Fonterra and Kaipara District Council to discuss rule and its application.
8/8/18	Email from Dwayne Daly	Meeting organized between us and Dwayne Daly 1pm 9/9/18
9/8/18	Meeting with Dwayne Daly	Dwayne advised we get in touch with Fonterra to get a decibel test.
9/8/18	Rang Steve Gale	No reply
9/8/18	Email to Steve Gale	Asking him to get in touch,
9/8/18	Email from Steve Gale.	Apologies. Thanks for PIM report. Get in touch with KDC . They will know what forms, technical information etc. you will need.
9/8/18	Email to Dwayne Daly	11 thoughts that we want to point out concerning Rule 12.10.9
9/8/18	Email from Steven Gale	Apologies for not returning call earlier. You will have to submit application to council as dwelling is within Boundary. Stating Rule 13.10.8 Best to get in touch with Council.
9/8/18	Email to Steven Gale	Confusion. Which Rule ???
10/8/18	Email from Steven Gale	After meeting with Council rule depends on zoning. Happy to talk to us on any matter but for district plan advice talk to Council
9/8/18	Email to Steven Gale	Thanks Feel like meat in the sandwich. We will get back to Council
10/8/18	Email to Dwayne Daly	Please confirm what the

		council will accept regarding decibel test. Registered Practitioner, how many readings, what period of time.
10/8/18	Email from Dwayne Daly	Council would require a suitably acoustic engineer and they would be able to advise the methodology. Dwayne to clarify overall process, course of action. Get back next week.
15/8/18	Email to Dwayne Daly	Noise Sensitive Activities Wording of Rule 12.10.9. comment on planting shielding house from factory.
16/8/18	Email from Dwayne Daly	General process explained. Sent enquiry about PIM and LIM to Management. Vegetation between house and factory may reduce noise.
16/8/18	Email to Dwayne Daly	Thanks. Will peruse the information and get back to you.
16/8/18	Email to Dwayne Daly	Commit to a noise complaints covenant unless it can be demonstrated that compliance can be achieved or get a decibel report.
21/8/18	Email to Dwayne Daly	Results on checks of LIM and PIM and other documents we have that show there was never any mention of Rule 12.10.9
23/8/18	Email from Dwayne Daly	Will need acoustic report to demonstrate compliance. We do not recommend a particular Acoustic Engineer. Any reputable and qualified one with experience in

		resource consents and environmental noise monitoring would be suitable. We could not confirm costs as those are beyond control of the council.
23/8/18	Email from Dwayne	Fonterra have mentioned that the presence of trees and other vegetation does not lessen noise levels unless it is a forest
30/8/18	Email from Dwayne Daly	Concerns regarding LIM and PIM have been raised with the management. Other concerns not for the council to comment. He will get back to us shortly. Resource consent is required for three matters.
30/8/18	Email to Dwayne Daly	Will follow up on other concerns. You have seen the replies to other two rules and said they are in order.
30/8/18	Email from Dwayne Daly	Only an informal discussion to show what you need.
30/8/18	Email to Dwayne Daly	Spoken to Mr Michael Wearmouth. He has no knowledge of Rule 12.10.9. Please answer some questions.
31/8/2018	Rang	Explained the situation
31/8/2018	Email from Jonathan Larsen	Thanks for call. Please send summary.
31/8/2018	Email to Jonathan Larsen	Sent summary.
31/8/2018	Email from Jonathan Larsen	Sent copy of email sent to Curt Martin.
31/8/2018	Email from Jonathan Larsen	To keep in touch
7/9/2018	Email to Mayor	Made phone call. Then emailed giving background info.
7/9/2018	Email from Mayor	Thanks for clear message. Will pass on to others. Will get back when he has some

		answers.
7/9/2018	Email from Dwayne Daly	How to find info. On District Plan. (already have these and read them). Mentioned concerns regarding LIM & PIM raised with management.
20/9/2018	Meeting with Jessica Hollis and Fran Mikulicic	Dialogue to get understanding of the issue. Jessica provided some background to the Rule.
23/9/2018	Email to Steve	Tell about meeting with Council. Prepared to sign a covenant.
25/9/2018	Email from Steve	Looking at bringing forward annual acoustic monitoring report. Marshall Day have been asked if they can do a report for our dwelling, cost \$1-2k. Will not fund this assessment although they funded one for Karl van de Water at 27, which cost about \$9k. Emailed this email to council.
2/10/2018	Email from Jessica Hollis	Brigid from Fonterra has emailed Council. Jessica wanted some clarification from Fonterra as to their compliance with Rule 14.10.14 and what they want for compliance with Rule 12.10.9
8/10/2018	Email to Jessica Hollis	Very interested in Fonterra's compliance. This is becoming too longwinded.
18/10/2018	Rang Jessica Hollis	Jessica has not heard from Brigid. Ringing Brigid .
18/10/2018	Email from Jessica.	No answer from Brigid. Will try again tomorrow.

		Brigid .
18/10/2018	Email from Jessica.	No answer from Brigid. Will try again tomorrow.
19/10/2018	Email to Jonathan Larsen	No resolution to problem. Where to go to next.
19/8/2018	Email from Jonathan Larsen	Sent all information to Louise Miller
21/10/2018	Email to Jonathan Larsen	Can we put whole issue to a council meeting.
21/10/2018	Email from Jonathan Larsen	Info on council meeting.
22/10/2018	Emails to L Miller and J Mason	Asking for chance to put case to council meeting Thursday 25 October
23/10/2018	Email from Louise Miller	Looking into chance
23/10/2018	Call from council	Talking to mayor about chance.
23/10/2018	Email from Brigid Buckley	Ask for phone and best time to ring
23/10/2018	Email to Brigid Buckley	Gave phone number and suitable time
24/10/2018	Rang Lisa Hong	When giving us a reply Also informed her that Vodafone have an outage.
24/10/2018	Email from Lisa Hong	Formal approval given by Mayor to attend meeting tomorrow.