

# MINUTES

**TITLE:** Environment and Planning Subcommittee  
**DATE:** Wednesday, 30 March 2005  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Cr T B King (Chair), Crs E E Henry and E C Wilkins.

**IN ATTENDANCE:** Manager, Consents (J S Hodson), Environmental Health Officer (D R Lewis), Consent Planner, Land (J Harley), Administration Officer (B D Moore).

**1. P GUZZETTA and C DRIVER, OLD COACH ROAD, MAHANA, UPPER MOUTERE – APPLICATION No. RM041300**

**1.1 Proposal**

The applicants sought consent to provide pet boarding facilities for up to 30 dogs and 15 cats and erect two signs on a Rural 1 zoned property at 481 Old Coach Road, Mahana. The subject site is on the corner of Gardner Valley Road and Old Coach Road on Lot 11 DP 303401.

**1.2 Presentation of Application**

The applicants, Ms P Guzzetta and Mr C Driver appeared at the hearing together with planning consultant, Mr H Briggs. Ms Guzzetta tabled and read a statement of evidence, which was accompanied by an updated site plan providing an amended parking and reception area adjacent to the existing access drive to the residence. This evidence described the traffic generation of the proposal as being no more than a single household. As the kennel and cattery areas are completely hidden within the forested area, the only visual effects will be new barrier plantings and the signage. Noise mitigation had been developed to incorporate New Zealand Standards and Kennel Club standards. Copies of those documents were tabled at this hearing. The kennels were designed to separate and isolate dogs to reduce barking.

The evidence commented on the suggested conditions of consent, especially proposed construction materials, full-time management supervision on the property and the limitation on the maximum number of dogs allowed on the property. The evidence also commented on the proposed notations requiring a monitoring fee and the payment of development contributions. Included with the evidence was a proposed layout plan for the kennels showing these located around the perimeter of a “U” shape, with a central work area. The grounds were proposed to include exercise and agility yards, with a swimming area. The proposed cattery location was also indicated.

Planning consultant, Mr H Briggs, tabled and read a statement of evidence. He addressed the regional and district planning provisions and statutory considerations relevant to the application. He suggested that proposed Condition 7 should be amended to read *“the kennels shall be operated in accordance with the code of recommendations and minimum standards for the welfare of animals in boarding establishments and the BKCANZ Code of Ethics”*. Mr Briggs sought clarification of proposed Notation 9 regarding development contributions as they apply to this application.

Mr Briggs demonstrated that the proposal will not have any adverse effects on the local environment that are more than minor. He spoke of the way noise attenuation measures can be used in the buildings to be constructed. He said that the road dust is unlikely to be significantly greater than that generated by traffic permitted by the operation of kennels as a home occupation.

### **1.3 Presentation of Submissions**

Mr M Gledhill and Mrs V Gledhill spoke to the submission from M and V Gledhill Family Trust and expressed concern about the potential for noise disturbance from barking dogs and that this can occur on any day and for any time of day. The submitters explained that this is a quiet locality and that noise travels great distances. They described the potential for noise from the proposed commercial dog kennels and said that this can be in the form of barking, howling and whining. They also referred to their other concerns such as effluent disposal, potential effect on their property value and the effects of road traffic associated with the proposed boarding kennels and the effects of dust and road safety danger issues.

A submitter, Mr T Stadler, arrived late at the meeting at 12.45 pm. He said that shrubbery is not good for noise control and questioned if the hearing panel would live, buy or sell a property next to a commercial boarding kennel. Mr Stadler said that he owns the property directly opposite the subject site and said that the proposed facility buildings should be designed by a sound engineer.

### **1.4 Staff Reports**

Environmental Health Officer, Mr D R Lewis, said that the issue of noise control must be addressed and this carries a management responsibility and obligation. He said that this requires a continuous management presence on the subject site. He advised that the Dog Control Act allows authorised dog control officers to enter properties but not dwellings. Mr Lewis commended the proposed kennel layout and design, saying that the proposal should help keep dogs from being upset. He said that isolation kennels should have noise attenuation.

Consent Planner, Land, Ms J Harley, spoke to her report contained within the agenda and noted that providing the applicant met the gross floor area rules, the proposed dog and cat boarding kennels could be operated as a home occupation. She noted that the applicant intended to house a maximum of 30 dogs within the kennels but the design determines the number of dogs. The staff report listed the proposed conditions of consent.

## 1.5 Right of Reply

Mr C Driver said that the applicants would relocate the present domestic kennel for the applicants' own dogs to a point adjacent to the garage and between the garage and the road frontage. He said that no pruning would be carried out except that which has been done recently near the dwelling. He said that dog exercising would be done to allow six dogs exercised at any one time.

Ms Guzzetta said that although she intended to employ someone when the business is up and running, a 24 hour a day contact number would be displayed on a noticeboard on the site. She said that no kennels in the District have full-time supervision and this also applies to the RSPCA and veterinary clinics. She said that all dogs are to be housed indoors when nobody is on the site.

Mr Briggs said that all rural areas have the same noise standards and that kennels could operate in any rural zone. He said that both the home occupation rules and the gross floor definition are clear. Mr Briggs said that the proposed conditions of consent will provide mitigation measures and said that the value of the resource consent process is that it allows for conditions of consent to be established. The applicant volunteered a condition of consent as follows:

*"The consent holder shall provide a copy of the kennel management plan to all neighbouring property owners and shall hold a meeting every six months on site, with these to consider matters of operational practice for future review of that plan."*

He reminded the hearing panel that the proposed dog and cat boarding facility is permitted in this zone as a home occupation. Mr Briggs said that the Council's conditions of consent should require noise attenuation to the satisfaction of Council.

The Subcommittee reserved its decision at 1.35 pm.

### **Moved Crs King / Henry EP05/03/40**

**THAT the public be excluded from the following part of the proceedings of this meeting, namely:**

#### **P Guzzetta and C Driver**

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

<b>Subject</b>	<b>Reasons</b>	<b>Grounds</b>
P Guzzetta and C Driver	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs Henry / King  
EP05/03/41**

**THAT for the purposes of discussing the application of P Guzzetta and C Driver as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.**

**CARRIED**

**Moved Crs Henry / King  
EP05/03/42**

**THAT the public meeting be resumed and that the business transacted during the time the public was excluded adopted and that the following resolutions be confirmed in open meeting.**

**CARRIED**

**2. P GUZZETTA and C DRIVER, OLD COACH ROAD, MAHANA, UPPER MOUTERE – APPLICATION No. RM041300**

**Moved Crs King / Henry  
EP05/03/43**

**THAT pursuant to Sections 104B of the Resource Management Act 1991, Council grants consent to P Guzzetta and C Driver to construct and operate a pet boarding facility for dogs and cats at 481 Old Coach Road (corner of Gardener Valley Road and Old Coach Road) in Mahana.**

The application is granted subject to the following conditions and for the following reasons:

**CONDITONS:**

**General**

1. The pet boarding facility shall developed be in accordance with the documentation submitted with the application and with the plan attached to this consent marked Plan A dated 15 March 2005.
2. The facility shall be limited to a maximum of 30 dogs on the property at one time, in a maximum of 18 dog kennels, plus a insulated isolation area capable of housing a minimum of two dogs. The facility shall be limited to the accommodation of a maximum of 15 cats. This number does not include any pets belonging to the consent holders.
3. The consent holder may receive clients seven days a week, but only in the mornings between the hours of 7.30 am and 11.00 am and again in the afternoon between the hours of 3.00 pm and 6.00 pm.
4. The consent holder shall comply with all requirements of the Code of recommendations and minimum standards for Care of Animals in Boarding Establishment. This includes a current vaccination certificate certifying that the dog has been vaccinated against distemper, hepatitis and parvovirus prior to admission to the kennels

## **Parking and Access**

5. Access to the site shall be in accordance with Plan A and also shall be upgraded to match the standard of the Old Coach Road carriageway when it is upgraded. The upgraded access shall extend a minimum distance of 10 metres from the edge of the carriageway.
6. The other existing access from Old Coach Road shall be closed, fenced and grassed over.
7. A minimum of four parking spaces shall be provided on-site for visitors to the kennels and staff. In addition two separate car parks shall be provided for the occupiers of the onsite dwelling. The parking spaces for visitors shall be clearly marked and designated for customer use. All parks shall be formed with a permanent waterproof surface.
8. The consent holder shall excavate the land on the inside curve of Old Coach Road (in the vicinity of the water tank) on the frontage of the site for a horizontal distance of 3.5 metres from the existing cut batter and lowered to 400 mm above the Old Coach Road carriageway side drain. The finished bench shall be level. The cut will feather out to the north and south to where the 400 mm dimension terminates.

## **Signage**

9. There shall be two signs erected firstly onsite to advertise the activities and secondly to direct traffic in accordance with the documentation submitted with the application and with the plan attached to this consent marked Plan B dated 15 March 2005. The signs shall comply with all of the following:
  - a) no sign support structure shall be erected on any road reserve and the sign shall not overhang the road reserve;
  - b) a sign shall not be located or designed in such a way that it will create a hazard or distraction to motorists. The colour combinations used for background and legend shall not be similar to any used on official traffic signs and no reflective materials shall be used on the sign;
  - c) no lighting of the sign is permitted;
  - d) the signs shall have a maximum area of 1 m<sup>2</sup> and a maximum height of 3 metres;
  - e) the sign is maintained in a tidy, legible state.

## **Noise Management**

10. The consent holder shall commission a suitably qualified acoustic engineer to provide a report on noise mitigation measures designed to ensure that the sound of barking dogs does not cause a nuisance to surrounding neighbours. This report shall be provided to the Council prior to the application for building consent for the dog kennel building.
11. The kennels shall be constructed in accordance with the professional advice of the acoustic engineer.

12. An isolation unit capable of holding a minimum of two dogs shall be provided that is sound proofed.
13. A minimum of one person, capable of controlling dogs and cats be on the property between the hours of 7.00 am until 8.00 pm. If at other times no one is present on the site, the dogs must be kept inside the building. One person able to control the dogs must be contactable at all times and the contact phone number shall be made available to neighbours.
14. The management of the kennels shall be carried out in such a manner so as to reduce stress of dogs by providing for their comfort and physical well being.
15. Persistently barking or howling dogs shall be dealt with using humane practises such as muzzling, sedating or isolation.
16. The kennels shall be managed to ensure minimum disturbance to adjoining properties. Feeding and exercise times shall occur between 7.00 am and 8.00 pm
17. The consent holder shall keep a noise complaint register detailing the time, person and nature of any complaint and the action taken to minimise the noise. This register shall be made available to the Council within two working days of a request being made to see it.
18. The consent holder shall produce a "Kennel Management Plan" and provide a copy to all neighbouring property owners (as marked on Plan C) and the Council and shall hold a meeting every six months and invite those property owners to attend the meetings to consider matters of operational practice for future review of the plan. Any amendments to the plan shall be forwarded to the Council. The minutes of these meetings shall be forwarded to Council within one month of the meeting being held.

### **Landscaping**

19. A Landscape Management Plan for planting of trees on the property shall be provided to Council for approval prior to the application for a building consent for the kennels.
20. The objective of the plan is to achieve progressive replacement of the existing trees so that at all times an effective visual barrier is provided around the kennel building and continued under-planting in the trees is retained around the kennels to ensure a dense ground cover under the trees. The vegetation is also intended to assist with the mitigation of noise associated with the kennels.

### **Building**

21. All building construction shall comply with the permitted activity standards of Rule 17.4.4 of the Tasman Resource Management Plan and be located as shown on Plan A attached and dated 15 March 2005.
22. Partitions between all of the kennels shall be provided with a concrete nib wall to prevent wastes from entering adjoining kennels.

## **Financial Contribution**

23. A financial contribution shall be payable upon issue of the building consent for the proposed kennel facility in accordance with Rule 16.5.8 of the Tasman Resource Management Plan.

### **NOTE:**

Council will also require payment of a development contribution in accordance with Council's Development contribution Policy under the Local Government Act 2002 for the development which is the subject of this resource consent.

The development contributions Policy is found in the Long term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to the uplifting of the building consent.

## **Services**

24. Stormwater disposal for buildings, parking and manoeuvring areas shall meet the permitted activity standards of Rule 36.4.2 of the Tasman Resource Management Plan.

## **Monitoring and Review**

25. The consent holder shall advise Council and Control Services Nelson Ltd (544-3207) when the activity this consent authorises commences so monitoring of conditions can be programmed.
26. Pursuant to Section 128 of the Resource Management Act 1991, the conditions of this consent may be reviewed at six months after the date of consent, or at the expiry of any six month period thereafter. The review may be necessary to:
- a) deal with any significant adverse effects on the environment which may arise as a result of this consent; and
  - b) deal with any other matters relevant to the authorised activity that may be raised through the review.

The review of conditions shall allow for:

- i) the deletion or amendment of any of the conditions of this consent; or
- ii) the addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment.

## **NOTATIONS**

1. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts including the Dog Control Act 1996.
2. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991.

3. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.
4. Any discharge of animal effluent must comply with the requirements of permitted activity Rule 36.1.3 of the proposed Tasman Resource Management Plan unless otherwise authorized by way of resource consent for the discharge.
5. Council will require payment of a development contribution in accordance with Council's Development contribution Policy under the Local Government Act 2002 for the development subject of this resource consent.

The development contributions Policy is found in the Long term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to the uplifting of the building consent.

#### **REASONS FOR THE DECISION:**

1. The land is zoned Rural 1 and under the Proposed Tasman Resource Management Plan (TRMP).
2. The application is a Discretionary Activity under the Proposed Tasman Resource Management Plan as it is a commercial activity which is not a permitted activity in the Rural 1 zone. As there are no relevant references to the relevant rules, the Proposed Tasman Resource Management Plan is the only relevant Plan. The application has been considered pursuant to Part 2 and Sections 104B of the Resource Management Act 1991.
3. The Committee noted that three submissions had been received, two in opposition in total and one in opposition to the dog boarding facility.

The concerns raised by the submitters include the following matters:

- Road dust
  - Safety of access
  - Noise from dogs
  - Visual effects
  - Property values
4. The Committee carefully considered the issue of the potential effects of noise associated with dog barking and the impact on surrounding neighbours. It was recognised that the sound of barking can be a nuisance and also that different people have varying levels of tolerance to noise and this is normal. The Committee was also aware of the Home Occupation rules in the Plan which would permit a pet boarding facility to be established as a permitted activity up to a certain size of building. It was clear that if such a sized facility was proposed, there would be no opportunity for the Council to impose conditions pertaining to noise management as is the case here. However, the home occupation rules do represent a "permitted baseline" which is a relevant consideration in this case.



5. In considering the potential effects of the proposal and the permitted baseline, the Committee determined that it was appropriate to impose conditions which would ensure a high level of noise mitigation. This was seen as appropriate to enhance the successful integration of the facility into the environment, which is characterised as a rural area which is likely to continue developing a further rural residential character as more houses are built in the vicinity. Therefore despite the initial cost of complying with the conditions of the consent (for example an acoustic engineer to provide building design and landscape enhancement) this was seen as necessary to minimise the effects of the proposed pet boarding facility.
6. While the Committee has some sympathy with the concern of the submitters, particularly in the face of ill-health which may enhance noise sensitivity, they noted that the rural environment (whether the zoning is Rural 1, 2 or 3 or rural residential) is not guaranteed to be a low noise environment. It was clear that the noise standards in the Plan also represented a “permitted baseline” and that the noise standard was common to all the rural zones and were applicable to “animal boarding establishments” in particular.

It was noted that the Code of Standards produced by the applicant at the hearing originating from the Animal Welfare Advisory Committee and the Boarding Kennel and Cattery Association of New Zealand did not cover specifically the issue of noise mitigation and therefore some professional input in terms of building design was considered appropriate. The Committee considered that it was appropriate to ensure that there was someone present who could manage the animals during the day when most of the activity would occur on the site which may trigger barking, but that 24 hour on-site presence would be too onerous. In addition, having someone contactable at all times would ensure that communication was possible in the event of a problem arising.

The Committee acknowledged the commitment of the applicants in terms of wanting to provide a facility of a high standard with the best management practices for animal care and the development of a Kennel Management Plan to deal with day to day management practices. It was also considered that regular six monthly meetings with neighbours would provide a good opportunity for communication and thus problem solving. If it was found that there were no problems and this condition was considered to be no longer necessary, the consent holder could apply to Council for this condition to be varied or cancelled.

7. The Committee considered that the site of the proposed pet boarding facility has characteristics which were beneficial for the mitigation of effects. These included the dense tree and vegetation cover and the lie of the land in relation to surrounding dwellings. The requirement to comply with permitted activity standards for animal waste disposal was noted.
8. In terms of traffic generation and road safety effects, the Committee considered that the existing road formation was satisfactory for the additional traffic likely to be generated by the business, but that measures should be taken to enhance the safety and visibility of the access for cars exiting the site. The proposed signs were considered to be acceptable but that lighting would not be appropriate.

9. In terms of the concern raised by the submitters that the proposal may have an adverse effect on property values, the Committee considered that they were unable to give any weight to this issue. No evidence was produced on the matter, and the issue can only be indirectly considered through the issue of effects on amenity values, and this had been addressed.
10. In summary the Committee were satisfied that provided the conditions of consent were complied with the pet boarding facility would have no more than a minor effect in terms of the rural character and amenity of the area. It was concluded that the proposal was consistent with the policies and objectives of the relevant planning documents and the purpose and principles of the Resource Management Act 1991.

**CARRIED**

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**Confirmed:**

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**Chair:**