



Draft Plan Change 64: Boarding, Breeding and Training Kennels

November 2018

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Draft Changes to the Manawatu District Plan

Text that is proposed to be deleted is highlighted with **strikethrough** font.

Text that is proposed to be inserted is ***italicised and underlined***.

Insert the following new Section 3H in Chapter 3:

Section 3H Boarding, Breeding and Training Kennels

3H.1 Introduction

The Manawatu District caters for a range of dog kennel facilities for purposes including the boarding, breeding and training of dogs. However, boarding, breeding or training kennels for dogs have the potential to create adverse effects on the amenity values of the surrounding environment. Careful siting, design and management is needed for the establishment and operation of boarding, breeding and training kennels, to ensure that adverse effects on the amenity values of the surrounding environment, including noise sensitive activities, are avoided, remedied or mitigated.

3H.2 Resource Management Issues

The following resource management issue has been identified:

1. The need to manage the adverse effects of boarding, breeding and training kennels on the amenity values of the district.

3H.3 Objective and Policies

Objective 1

1. To ensure the establishment and operation of boarding, breeding and training kennels does not result in adverse effects on the amenity values of the surrounding environment.

Policies

- 1.1 To enable the establishment and operation of boarding, breeding and training kennels in the Rural Zone, while ensuring that any adverse effects on rural character are avoided, remedied or mitigated.
- 1.2 To manage any adverse effects of boarding, breeding and training kennels on the amenity values of the surrounding environment through appropriate design and layout of the site and buildings.
- 1.3 To consider appropriate mitigation measures to ensure that boarding, breeding and training kennels do not create adverse effects on nearby noise sensitive activities, or result in the creation of nuisance effects relating to odour, glare or dust.
- 1.4 To ensure that boarding, breeding and training kennels consider the adjoining environment including buildings and structures so that any adverse effects on the surrounding environment are avoided, remedied or mitigated.

3H.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

Guidance Note: A permit to keep dogs may also be required under the Council's Dog Control Bylaw (2014) or any subsequent updates.

3H.4.1 Permitted Activities

The following are permitted activities provided that they comply with the standards in Rule 3H.4.2:

- a. Boarding, breeding and training kennels for up to and including 5 dogs in the Rural Zone and Nodal Areas.

3H.4.2 Standards for Permitted Activities

The permitted activities specified in Rule 3H.4.1 above must comply with the following standards:

- a. The performance standards outlined in Rule 3.3.1 and Rule 3.3.2.
- b. Separation distance of 100m from any noise sensitive activity not located on the same site in different ownership.

3H.4.3 Controlled Activities

The following are controlled activities provided that they comply with the standards in Rule 3H.4.4:

- a. Boarding, breeding and training kennels for up to and including 5 dogs in the Flood Channel Zones

3H.4.4 Standards for Controlled Activities

The controlled activities specified in Rule 3H.4.3 above must comply with the following standards:

- a. The performance standards outlined in Rule 7.3.1 and Rule 3.3.2.
- b. Separation distance of 100m from any noise sensitive activity not located on the same site in different ownership.

3H.4.5 Assessment of Controlled Activities

The matters over which Council has reserved its control and in respect of which conditions may be imposed are set out in Rule 1.3.1 and the following matters:

1. Mitigation of the effects of boarding, breeding or training kennels and associated activities on the amenity values of the surrounding environment, including effects on nearby noise sensitive activities.

3H.4.6 Restricted Discretionary Activities

The following activities are restricted discretionary activities with respect to boarding, breeding and training kennels:

- a. Boarding, breeding and training kennels for up to and including five dogs in the Rural Zones and Nodal Areas which do not meet the relevant performance standards in 3H 4.2 and 3H 4.4.
- b. Boarding, breeding and training kennels for six or more dogs in the Rural and Flood Channel zones.

For activities in 3H.4.6 a. above, the **Council** has restricted its discretion to considering the following matters, only to the extent that they are relevant to the standard that is not met:

- Noise
- Yards and separation distances
- Effluent disposal
- The extent of non-compliance with the standard(s) in the Plan.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the relevant Rural Zone or Flood Channel Zone and Chapter 3 District Wide Rules, assess any application in terms of the following assessment criteria:

1. Whether the application remains consistent with the intention of the standard(s) it infringes.
2. The extent to which there will be adverse **effects** where an application does not meet the standards.
3. Whether the design of buildings and the layout of the site, and operation and management of the proposed kennel, incorporates features to reduce potential nuisance problems such as noise and odour on the amenity values of the surrounding area.
4. For the Flood Channel Zone only: The extent to which the location and design of the structure will impede or divert the flow of flood waters, especially as it relates to nearby existing structures and activities.

For activities in 3H 4.6 b. above, the Council has restricted its discretion to considering the following matters:

- Building design, site design and layout
- Noise
- Dog numbers and management approach
- Nuisance effects, including waste management and disposal, odour, dust, glare
- Traffic generation, parking, access including on-site manoeuvring
- Hours of operation
- Signage
- Flood Hazard Avoidance (for the Flood Channel Zones only)

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the relevant Rural Zone or Flood Channel Zone and Chapter 3 District Wide Rules, assess any application in terms of the following assessment criteria:

1. The extent to which the scale of the proposed kennels and location of buildings and associated kennel activities maintains rural character and amenity values of the surrounding environment.
2. The extent to which mitigation measures avoid, remedy or mitigate any adverse effects between nearby noise sensitive activities, particularly those within 500m of the proposed kennel.

3. The extent to which building design and site layout and design incorporates features to reduce potential nuisance problems such as noise, odour, dust and glare.
4. The extent to which the proposed kennel is designed in accordance with best practice including the measures to be implemented for controlling noise associated with dogs barking. The design shall incorporate (but not be limited to) the following matters:
 - a. Whether the design and layout of the kennels will prevent dogs in their normal runs from becoming visually and acoustically excited by activities associated with the kennels or from outside stimuli from neighbouring land.
 - b. Group housing for compatible dogs.
5. The extent to which the design of the buildings and/or operation of the activity will ensure that all dogs to be housed or kept cannot escape.
6. The extent to which the operation and management of the boarding, breeding and training kennel and associated activities includes techniques to manage adverse environmental and nuisance effects.
7. For the Flood Channel Zones only: The extent to which the location and design of the structure will impede or divert the flow of flood waters, especially as it relates to nearby existing structures and activities.

Guidance Note:

When considering Flood Hazard Avoidance, the Council will have particular regard to expert flood hazard advice provided by Horizons Regional Council.

3H.4.7 Discretionary Activities

The following activities are discretionary activities in the Nodal Areas of the Rural Zone with respect to boarding, breeding and training kennels:

- a. Boarding, breeding and training kennels for six or more dogs.

3H.4.8 Assessment of Discretionary Activity Applications

In determining whether to grant a resource consent or what conditions to impose, the Council will, in addition to the objectives and policies of the Rural Zone, Chapter 3 District Wide Rules, and Rule 1.3.4, assess any application in terms of the following assessment criteria:

1. The scale of the proposed kennels and location of buildings and associated activities in relation to noise sensitive activities on nearby sites.
2. The extent to which the proposal avoids, remedies or mitigates adverse effects on rural character and amenity values of the surrounding environment.
3. The likely effectiveness of any proposed mitigation methods to address potential adverse effects.
4. The extent to which the building design, operation and management of the proposed kennel and associated activities includes techniques to manage adverse environmental and nuisance effects.

3H.4.9 Non-Complying Activities

The following activities are non-complying activities:

- a) Boarding, breeding or training kennels for three or more dogs in the Residential and Village Zones.
- b) Boarding, breeding or training kennels in the Industrial, Business, Recreation, Special Development, and Manfeild zones.

Consequential Amendments to the District Plan

2 DEFINITIONS

Insert the following definition:

“BOARDING, BREEDING, AND TRAINING KENNELS:

“means the use of any land and/or buildings for boarding, breeding or training of dogs for a fee, and also includes rehoming kennels where shelter is provided for stray or unwanted dogs. The keeping of dogs for farming or domestic purposes is excluded.”

Amend the following definition:

FARM BUILDINGS:

means **buildings** used in connection with **farming** practices on the land concerned, such as hay barns, farm implement sheds, and greenhouses. It does not include buildings used for accommodation, milking sheds, pens housing animals, **boarding, breeding and training kennels**, or for **intensive farming** activities.

Amend the following definition:

FARMING:

means a land based activity, having as its main purpose the production of any livestock or vegetative matter except as excluded below. Farming includes:

- a. Grazing, cropping and the cultivation of land necessary and appropriate to normal agricultural and horticultural activity.
- b. Keeping farm working dogs and puppies.
- c. Keeping, raising or breeding pigs where the productive processes are not carried out within **buildings**, or not within closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover.

Farming does not include:

- a. **Intensive** farming.
- b. **Pig farming**.

- c. Planting, tending and harvesting forests, woodlots, specialised tree crops or shelter belts.
- d. **“Boarding, Breeding and Training” Kennels** or catteries.

Insert the following definition:

“FLOOD HAZARD AVOIDANCE:

Has the same meaning as defined by the Manawatu-Wanganui Regional Council One Plan Glossary.”

Amend the following definition:

HOME OCCUPATION:

means an occupation, craft, profession or service carried out in a dwelling unit or an associated accessory building, by an occupant of that dwelling that meets all of the following:

- a. Is incidental and secondary to the residential use of the property
- b. Is undertaken or operated by a member(s) of the household residing on the property where the home occupation occurs and can include up to a maximum of two (2) other persons who do not reside on the property
- c. Involves no exterior storage, display or other indication of the home occupation (other than advertising sign permitted by this Plan)
- d. Involves no visits, delivery or collection of goods, materials or wastes outside the hours of 7am to 8pm.
- e. Does not result in significant adverse effects including noise, odour, traffic movements.

The following activities are specifically excluded from home occupation:

- f. any industry
- g. any light industry
- h. catteries and **Boarding, Breeding and Training Kennels**
- i. motor vehicle sales and servicing
- j. waste/recycling collection and storage.

Amend the following definition:

INTENSIVE FARMING:

means the breeding or rearing of animals (including birds) where the productive processes are carried out year-round within **buildings**, or within closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. Intensive farming includes mushroom farming but does not include catteries, **pig farming**, **Boarding, Breeding and Training Kennels** or aviaries.

Delete existing definition:

~~“KENNELS:~~

~~“means any site used for housing more than two dogs, excluding farm working dogs and puppies”.~~

Insert and delete the following words:

4. Managing Land Use Effects

4.3 Specific Objectives and Policies – Rural Zone

4.3.4 Potential Conflict Between Rural Land Uses

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Explanation

Some land uses that are discretionary activities in the rest of the Rural zone may be more appropriate as non-complying activities in nodal areas. Activities like intensive farming, landfills, **and** rural industries **and kennels** are potentially incompatible with the rural-residential housing that can be expected to develop in such areas over time.

Insert the following amendment:

3 District Wide Rules

3B Transport

3B.4.5 Car Parking – Standards for Permitted Activities

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Table 3B.1 – Car Parking Standards

Activity	Car parking Requirements
<u>Catteries and Boarding, <i>Breeding and Training</i> Kennels <i>for six or more dogs</i></u>	No less than four car-parking spaces.

Delete the following clause:

RULE B3 – RURAL ZONES

B3.5 DISCRETIONARY ACTIVITIES

B3.5.1 Rural Zones Except Nodal Areas

- a. The following shall be discretionary activities in the Rural Zone, except in nodal areas:

...

vii) Kennels