

IN THE MATTER      Waikato District Plan Review  
Resource Management Act 1991

AND

IN THE MATTER OF      Submission pursuant to Clause 6 of  
Schedule 1 of the Act made on behalf of  
Zeala Limited - Trading as Aztech  
Buildings relating to Hearing 18 Rural  
Zone Provisions.

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**STATEMENT OF EVIDENCE OF JOHN CLAUDE MANNING**

Dated: 17 September 2020

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## **1.0 INTRODUCTION, QUALIFICATIONS AND RELEVANT EXPERIENCE**

- 1.1. My full name is John Claude Manning. I am the director and resource management consultant with Planman Consultants Limited formally incorporating that Company in March 2013.
- 1.2. Prior to establishing Planman Consultants Limited I was the Reserves Planner with Hamilton City Council from November 1997 to December 2012. From November 1992 to November 1997 I was employed as Planner with Hamilton City Council. Prior to my roles at Hamilton City Council I was employed in planning roles at Franklin and Rodney District Councils from November 1991 to November 1992.
- 1.4 My qualifications include a Bachelor of Planning from the University of Auckland, graduated May 1992, and a Bachelor of Social Science from the University of Waikato, graduated in April 1990.
- 1.5 I have more than 28 years of professional planning experience, with the majority of my experience being gained in Regulatory Roles administering District Plan Provisions, and more latterly, '*on the other side of the fence*' preparing and submitting Resource Consent applications, mainly within a Rural context.
- 1.6 As director of Planman Consultants I am responsible for preparing a wide range of resource consent applications and other Resource Management Act related matters presented to Local Authorities in the upper North Island. Successful applications include large housed dairy goat operations within Auckland City (at a District and Regional level, both pre and post Unitary Plan), with similar consents albeit on a smaller scale, granted in Waipa, South Waikato and Waikato Districts.
- 1.7 While the majority of my recent work has been within the Rural Community, I was lead Planner in Appeals regarding the now Operative Hamilton City Council District Plan.
- 1.8 I have lived in Hamilton for 50 years, and spent more than half of that period in various Planning roles within the upper North Island.

1.9 In this matter I represent Zeala Limited, trading as Aztech Building Limited, who provide a range of open span buildings for residential, commercial and rural uses. Zeala Limited has constructed a variety of Rural Buildings within New Zealand, including large loafing barns for housed dairy goats, covered feed pads for the dairy industry, stock wintering barns, as well as the usual milking shed, implement shed and feed storage facilities.

## **2.0 EXPERT CODE OF CONDUCT**

2.1 I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note 2014 and I have complied with that Practice Note in preparation of this evidence. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise except where I have stated my reliance on other identified evidence. I have considered material facts that are known to me that might alter or detract from the opinions expressed in this evidence.

## **3.0 COMMENT ON EVIDENCE**

3.1 I made submissions and further submissions on behalf of Zeala Limited in relation to provisions proposed for the Rural Zone in the Proposed Waikato District Plan.

3.2 I acknowledge that the Proposed District Plan (PDP) was prepared prior to the NPS, and as a consequence the Notified version of the Plan does not align with the NPS.

3.3 I have read the Rural Zone S42A (Landuse) report prepared by Jonathan Cleese dated 25 August 2020. This statement addresses matters I raised as submission 281, and further submissions fs1275, fs1370 & fs1374.

3.4 The focus of this statement relates to what I consider to be positive environmental outcomes, the future of farming/rural productivity, with an emphasis on the productive capacity of the land to meet the purposes of the Act. I believe that in the future there will be an increasing move

within New Zealand to have farm livestock housed either permanently or periodically within large structures to achieve;

- improved environmental outcomes,
- improved farm management,
- increased farm productivity.

3.5 Much of the commentary to follow relates to farming practices where livestock is either temporarily or permanently housed in large buildings on farms with the farm output supported by the productive capacity of the in situ soils. As noted previously I have made a considerable number of Resource Consent applications for such developments over the last 7 years. Such applications include cut and carry housed dairy goat operations which, in one case directly adjoin upmarket rural residential properties in Karaka, whilst in another results in over 3 hectares of building on the property. In all cases I consider that the environmental outcomes of the housed goat operations (whether it be the impact on neighbours or nutrient controls) is less than the potential impact of 'free range' operations - subject of course to appropriate management practices. To list a few benefits of housing stock, it enables:

- the monitoring and controlled release of nutrients,
- often improves animal welfare,
- enables control of adverse effects such as noise odour
- frees up additional pasture for cropping previously lost to farm races and/or fencing
- results in riparian planting and the retirement of other parts of the farm too steep for the cut and carry operation
- is a more efficient method of producing milk solids
- improves pasture management
- creates a 'park like' environment through the removal of fencing.

Subject to appropriate management practices (such as not releasing barn or pond effluent when the neighbour is about to have a BBQ) the

only potential negative is for large buildings within the rural environment, - with the effects of such buildings being no different than equivalent sized green houses.

- 3.6 For an insight into such operations the Oete Goat Farm at Cuff Road, Patumahoe, has won several environmental awards, and is likely the largest such operation, in the upper North Island. Their operation can be viewed at [www.oetegoatfarm.co.nz](http://www.oetegoatfarm.co.nz). Resource Consents for the development were managed through the Auckland Unitary Plan process, with the single biggest factor being the preparation and adherence to a Farm Management Plan. Oete Goat Farm, and another housed Goat farm client in the Auckland Region, would welcome a visit from Council Staff and/or the Commissioners if deemed appropriate.

#### **4.0 MATTERS ADDRESSED IN EVIDENCE**

##### **4.1 Policy 5.3.2 Productive Rural Activities**

The original submission sought that the importance of buildings associated with 'farming'<sup>1</sup> be reflected in the Rules for the zone. It is my view that the s42A report, in its proposed treatment of buildings housing animals that are reliant on the in-situ productive capacities of the site, being deemed an 'intensive farming activity', is not reflective of this enabling policy. The stance latter in the S42A report being that such structures housing animals result in 'farming' becoming 'intensive farming' irrespective of the ability of the soils on site to sustain production.

##### **4.2 Policy 5.3.6 Intensive Farming**

The original submission sought to highlight the difference between 'farming' as defined in the PDP and which could include housed stock

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<sup>1</sup> The Waikato Proposed District Plan defines Farming as '*an agricultural, horticultural or apicultural activity having as its primary purpose the production of any livestock or crop using the in-situ soil, water and air as the medium for production...*'

where the feed requirements (in the main) are provided by the in situ productive capacities of the soil on site, which differentiates from 'intensive farming' where there is little or no reliance on the productive capacity of the soils on site - whether the stock is free ranged or housed.

At para 152 the s42A report notes that '*definitions are integral to how the policy and rule framework operates*' to a large extent I agree, but regardless of the outcome as to the definition, I am supportive in part of the proposed amendments to Policy 5.3.6 (a) with the exception to the addition of the words '*and visual amenity*' as other 'permitted' farm buildings may well produce the same visual effects.

#### 4.3 Definitions (Intensive Farming)

I believe the proposed definition of Intensive Farming in the s.42A report @ para 168 is flawed, as it determines that the trigger for the definition is when stock are housed regardless of the productive capacity of the in situ soils on the site to provide for the needs of the stock.

4.4 As noted in the footnote on the PDP definition of Farming, - it involves reliance of the productive capacity of the soil on the site. My view is that intensive farming is not reliant on the productive capacity of the soil - rather it is reliant on imported feed, and could also be called factory farming. While I agree with some of the sentiments in para 166 of the s42A report, I consider it is the source of feed rather than whether or not stock is housed that triggers 'intensive farming'. At bullet point 5 the s.42A report complicates matters unnecessarily by discussing that the '*key element is that the feed is brought to stock rather stock moved to where the feed is*' - ironic when traditional farming methods regularly involves feeding out to stock stored hay, silage or other previously harvested material when the paddocks are depleted.

4.5 I appreciate there are differences with regard environmental effects for differing housed livestock. @ para 174, while beef feedlots may be few in number in NZ, my experience is that covered feed lots, covered

standoff pads, wintering barns, covered herd homes, (and other myriad terminology for animal shelters) are becoming increasingly common for New Zealand and Waikato Dairy herds. This move to housed stock, whether permanent or occasional, is in a large part to assist in meeting farm nutrient discharge requirements while also benefiting productivity. All such structures have animals undercover and all rely on feed being brought to them - but are not intensive farming, and all are generally large structures with footprints over 2,000m<sup>2</sup>.

4.6 It is accepted that any farming operation introduces feed from 'off site' at some stage. While there may be conjecture over how to enforce or monitor what 'reliance on imported feed' or the productive capacity of the soil on a site is, it really is not that difficult, with a range of nutrient modelling tools such as 'Overseer'<sup>2</sup> to assist farmers in determining pasture growth and consequently how much stock they can run on their site without having to import large quantities of feed. For example in an average to good growing season a 40ha block could provide the majority of fodder for 1,000 housed milking does if properly managed, the number of stock able to be sustained on the same area of land in a free range environment being considerably lower.

4.7 In my view the s42A report does not clarify the adverse effects that lumping all buildings housing animals (to be defined as intensive farming) is trying to protect, as opposed to traditional farming methods. My view is that the housing of stock, rather than creating additional adverse effects, with the exception of the visual effect, actually enable enhanced management/mitigation of such adverse effects. Regardless the effects that are generated can be regulated through other controls such as general large building boundary setbacks etc.

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<sup>2</sup> refer <https://www.overseer.org.nz> for background of 'Overseer'. Overseer is used as a Regulatory Tool by many TA's - initially for the dairy industry now also Dairy Goats.

4.8 As noted previously I have been involved in consenting processes for a variety of farms throughout the upper North Island where there is housed stock, and note there is little consistency in the determination of intensive farming. What is common is that large buildings in the Rural area inevitably trigger some sort of Resource Management approval process, whether it be relating to earthworks, bulk and location requirements, permeable surfaces, stormwater discharge, or other triggers, the effects of a large building in the rural environment is recognised and catered for. My argument is that whether such a structure houses animals is largely irrelevant, with animal welfare arguments covered by other legislation, codes of practise, and/or economic imperatives.

4.9 In the above paragraph I highlight the lack of consistency in TA's as to what constitutes 'intensive farming'. Below are examples of Definitions for Intensive Farming from a variety of District Plans that I am familiar with. I have noted when the definition has triggered consenting requirements for housed stock and when they have not, in all cases the developments that I have been involved with in the differing regions have all required Resource Consent for some aspect of the building - large buildings in the rural area, whether housing animals or not, simply do not fall through regulatory cracks.

Auckland Unitary Plan (housed stock not the trigger)

*Intensive farming Intensive growing of fungi, livestock, or poultry within a building or structure or on animal feed lots with:*

- *limited or no dependence on natural soil quality on the site; and*
- *food required to be brought to the site.*

*Includes:*

- *intensive pig farming;*
- *intensive poultry farming; and*
- *animal feedlots.*



*Excludes:*

- *free-range poultry and pig farming;*
- *a kennel for a single dog or one bitch with pups;*
- *a shelter for a single animal on a chain;*
- *a shelter for any other single animal that is kept as a household pet;*
- *greenhouses; and*
- *shelters for working dogs.*

South Waikato District Plan - Housing animals not the trigger.

*Intensive Farming Activities – means the commercial raising and keeping of plants or animals contained in buildings or outdoor enclosures, that occurs independent of the soil fertility on the site, is dependent on a high input of food or fertiliser from beyond the site, and may (but not necessarily) involve artificially controlled growing conditions. Includes the use of feedlots for farmed animals, and vegetable, fruit and herb growing operations indoors in artificially controlled growing conditions.*

Waipa District Plan - housed stock not the trigger

*Intensive Farming means the commercial raising and keeping of animals and/or plants which is dependent on a high input of food including but not limited to cut pasture and/or supplementary meal or fertiliser throughout the year from beyond the HOLDING, and is contained in BUILDINGS or outdoor enclosures. It includes, but is not limited to rabbit farming, aquaculture, mushroom growing, commercial greenhouses/glasshouses with an IMPERMEABLE floor or where the soil profile has not been maintained where located on HIGH CLASS SOILS, and the keeping of pigs outdoors without groundcover being maintained; but excludes POULTRY FARMING, BOARDING KENNELS or CATTERIES.*

Hauraki District Plan (Operative) - housed stock not a trigger

*Factory/Intensive Outdoor Farming*

*Means*

*(a) the production of animals which is not reliant on the productive capacity of the soils on which it is located; and/or*

*(b) the production of animals in a manner or production system which is dependent on the input of food throughout the year from beyond the holding; and/or*

*(c) the production of animals in a manner or production system which precludes the continuous maintenance of pasture or ground cover; and/or*

*(d) intensive pig farming (weaned pigs stocked outdoors at an intensity greater than 1 pig per 1/10th of a hectare); and/or*

*(e) vegetative matter (including mushrooms) grown in green houses and other buildings (except that crops grown with artificial crop protection consisting of support poles with open weave cloth do not constitute factory farming).*

*This definition does not include the keeping or breeding of animals or any of the above activities where carried out on a domestic scale as an accessory use where it is clearly incidental to the use of the property as a whole. Except that, the keeping of no more than 4 pigs on a site and/or 25 head of poultry shall be deemed to be of a domestic scale.*

Western Bay District Plan - housed stock not a trigger

*“Intensive Farming Activities” means agricultural production activities which have no dependency on the quality of the soils occurring naturally on the site and which are either:*

*(a) carried out within the confines of buildings/structures or pens or yards enclosed by fences or walls; or*

*(b) undertaken in a manner which precludes the continuous maintenance of pasture or other groundcover. Included in this definition are:*

- Mushroom farming;*
- Intensive livestock farming;*

- *Poultry farming involving the keeping of more than 25 birds (whether outdoors or indoors);*
- *Piggeries;*
- *Aquaculture*
- *Rabbit farming;*
- *Mustelid farming;*

*Excluded from this definition are:*

- *The growing of plants or other vegetative matter in greenhouses or other covered buildings/structures;*
- *Temporary uses or practices which are ancillary to a principal farming activity, such as the wintering of stock in buildings/structures and calf rearing;*
- *The keeping of not more than 25 poultry birds;*
- *Extensive pig farming;*
- *The keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within buildings/structures or outdoors without groundcover being continuously maintained.*

Matamata Piako District Plan - permanently housed stock a trigger

***Intensive farming"** means mushroom farming, intensive livestock farming including pig farming of more than 10 weaned pigs, rabbit farms, animal feed lots and other activities (whether free range or indoors) which have or require:*

- i. *No dependency whatsoever on the qualities of the soils naturally occurring on the site; or*
- ii. *Buildings for the **uninterrupted** housing and growth of livestock or fungi.*

*Note: This excludes greenhouses and other buildings used for the growth of vegetative matter.*

4.10 In all of the above cases, the activity status of farming operations deemed 'intensive', are subject to a variety of differing compliance standards and/or activity classifications, again it is my view that the origin of the feed, rather than the housing of animals should be the trigger.

4.11 @177 the s.42 report acknowledges that *'the intensive farming provisions are not intended to capture more intensive elements that are ancillary to what are predominantly extensive pasture-based farming operations'* My submission is that a cut and carry operation where pasture grasses are cut on site and feed out to stock on site (whether in a building or not) is a pasture based farming operation - it does not work otherwise.

4.12 After reviewing the submitted evidence I am still of the view that the definition I proposed in the original submission is similar to many examples of TA's Plans above, and adequately covers 'intensive farming' with minor change for clarification:

*Intensive Farming – means the commercial raising and keeping of plants or animals contained in buildings or outdoor enclosures, that:*

- *occurs independent of the soil fertility on the site,*
- *is dependent on a high input of food or fertiliser from beyond the site,*
- *and may (but not necessarily) involve artificially controlled growing conditions.*

*It may include the use of feedlots for farmed animals, free range farming where feed is introduced from off site, and vegetable, fruit and herb growing operations indoors in artificially controlled growing conditions.*

4.13 Definitions (Animal Feed Lot)

@ para 175 the s.142a report recommends the retention of the definition of animal feed lot. This is in spite of submissions/further submissions from WDC and others, including myself, that the term does not need to be defined. I have previously noted the many varied terms used for areas (covered or not) where stock are feed, sheltered, wintered, either on a permanent, or non permanent basis. Defining feedlot and not these other structures when determining 'Intensive Farming' is not helpful.

4.14 Activity Status:

Turning from the definition of 'intensive farming' & 'Feed Lot', I will critique comments in the s.42A report regarding applicable standards that should be in the PDP for regulating intensive farming, and also standards for large buildings within the rural environment.

- 4.15 @ 185 the s.42A report addresses effects of intensive farming - noting odour, dust and the visual appearance of buildings amongst other effects. Dealing with Odour, my experience working with the Dairy Goat industry would suggest that when properly managed the odour effects of housed dairy goat stock is likely less than the potential free range impact where stock has the ability to go about their 'business'<sup>3</sup> right up to property boundaries. Further if ammonia levels within an enclosure are noticeable to a human, the goat stock would inevitably become sick, being not the hardy creatures many assume.
- 4.16 @ para's 193 & 194 the s.42A report discusses submissions, including my own, that seek a pathway for Intensive Farming as Permitted activities, and that the issue is in part resolved by the exclusions re what is recommended defined as 'Intensive Farming'. I believe that even if housed animal structures (such as goat loafing barns) where the fodder is grown on site are excluded from the definition of intensive farming (which is not the current recommendation) that there should still be a 'permitted' pathway for Intensive Farming.
- 4.17 @ para's 196 the s.42A report acknowledges that intensive farming is anticipated in the rural environment, with the starting point being Discretionary Assessment and dropping to Restricted Discretionary for smaller holdings. The reality is that the proposed Rules relating to setback would fall to full Discretionary for the majority of Rural Properties in the District. To 'comply' as a Restricted Discretionary Activity Intensive farming activity outside of the 300metre setback standard you would need a regularly shaped property of at least 49 hectares - with very few if any such properties existing in the District. Further making a determination that such a large land holding is 'intensive farming' is in my view contrary to the recognised definition of 'intensive', being concentrated or having a far higher proportion of concentration than a normal situation.

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<sup>3</sup> Bucks can admit an unpleasant odour when does are in season, while traditional farm races etc often 'trap' and release odour from stock effluent.

- 4.18 In the s.42A analysis there is no justification for the stated setback nor for a starting point of Restricted Discretionary for operations that are compliant with the 300 metre setback. Aside from visual amenity<sup>4</sup>, I struggle to think of a situation where traffic, odour or dust, from an 'intensive farming operation' beyond 300 metres from any boundary would trigger an assessment requirement or be any different from the anticipated effects of normal farming activity.
- 4.19 As noted previously, much of my recent experience with housed live stock relates to goats. At 100 metres from any boundary a housed dairy goat operation, when properly managed, is likely to generate similar or even less, noise, odour and dust effects than a free range operation. What potential effects exist relate not to the location of the building but more to management practices such as when and how to empty out bedding material and/or dairy shed wash down matter. In this regard I am supportive of the proposed requirement in the s.42A report assessment criteria (RD1) (a)(vi) for a requirement for a Farm Environmental Plan - which I would rephrase Farm Management Plan, with further acknowledgement that this kind of document is becoming widely recognised as a regulatory tool.
- 4.20 As per the original submission, I consider that there should be a 'permitted activity' starting point for Intensive Farming, with the determining factor being separation distances from boundaries. In my view the RD1 status should be replaced with Permitted Status, with failure to comply with setback standards triggering Restricted Discretionary Activity assessment.
- 4.21 Further to the above submission on 'Permitted Activity' status for Intensive Farming that complies with the location requirements detailed in Rule 22.1.3, i, as a consequence of matters raised/ recommendations made in the s.42A report, and due also to my particular area of interest, and subject to housed dairy goats being deemed 'intensive farming', I suggest an added 'Permitted' category to 22.1.3 which would become 22.1.3 (e) and read as follows:

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<sup>4</sup> Visual amenity for Intensive farming should be considered no different from the visual amenity effects of other permitted farming - which provides for large buildings within the Rural Environment - with the existing provisions in Rule 22.3.7.1 protecting against those effects.

*(e) For Dairy Goats any buildings or outdoor enclosures to house stock are to be setback at least:*

*(i) 100 metres from the site boundary*

*(ii) 200 metres from any boundary of a Residential, Village and Country Living Zone.*

## **5.0 Conclusion**

5.1 The evidence I present on behalf of Zeala Limited is focused on buildings housing animals within the Rural Environment, with the Proposed District Plan likely being the main regulatory tool for providing for such developments for the next 10 or so years. I firmly believe over this time period that there will be more emphasis on the positive environmental effects of such structures in controlling some of the more topical adverse effects of farming. As a consequence Waikato District Council should be seen as encouraging such developments (subject to appropriate levels of control). While having potential improved environmental outcomes, such structures also promote farm productivity, with the farming industry increasingly important in assisting New Zealand's economic recovery from recent events. In this regard the amendments sought provide for outcomes consistent with achieving the Purpose of the RMA.

A handwritten signature in blue ink, appearing to read 'John Manning', with a long, sweeping underline.

John Manning

**Planman Consultants Limited for Zeala Limited.**

**17 September 2020**