

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

ENV-2023-AKL-000166

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

IN THE MATTER OF

the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER OF

an appeal under clause 14(1) of Schedule 1
of the RMA

BETWEEN

FONTERRA LIMITED

Appellant

AND

WAIPĀ DISTRICT COUNCIL

Respondent

**NOTICE OF ANDREW KEANEY, BOYDS ASPARAGUS INDUSTRIES LIMITED
(BAIL) WISH TO BE PARTY TO PROCEEDINGS**

Dated 5 October 2023

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To: The Registrar
Environment Court
Auckland

Name of Person who wishes to be Party and standing

1. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* wishes to be a party to the following proceeding: ENV-2023-AKL-000166, filed by Fonterra Limited (**Appellant**) against parts of the decision (**Decision**) of Waipā District Council (**Respondent**) in respect of changes to the Waipā District Plan (**ODP**) under Proposed Plan Change 17: Hautapu Industrial Zones to the Waipā District Plan (**PC17**).
2. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* made a submission on PC 17.
3. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* is also a party which has an interest in the proceeding greater than the interest that the general public has because it is an owner of land within 'Area 6' which is the subject of the proceeding and stands to be directly affected by the relief sought under the appeal.

Trade competition

4. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* is not a trade competitor for the purposes of sections 308C or 308CA of the Resource Management Act 1991 (**RMA**).

Our interest

5. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* is interested in all aspects of the appeal including the reasons for the appeal and all relief sought under the appeal. We say:
- a. BAIL is an existing landowner within area 6, with an existing land use consent, which is not restricted by a dairy overlay.
 - b. We are concerned that any dairy overlay could restrict our ability to operate our business.
 - c. We have no concerns about reverse sensitivities, as we have been operating alongside Fonterra for over 40 years.
 - d. Our current operation has no dairy connection or overlay, therefore imposing one now doesn't make any sense and gives Fonterra an unfair influence in the activities of other businesses within the greater Hautapu area.

Relief sought

6. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* opposes the relief sought by the Appellant because:
- a. BAIL was comfortable with the initial decision that granted the alternative relief sort by Fonterra because, like Fonterra, we have been operating as we are for over 40 years and believe we should all have the right to continue to do so for the foreseeable future.
 - b. Is not the most effective way to achieve the objectives in the ODP
 - c. Will not achieve the purpose of the Resource Management Act

Dispute resolution

7. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Costs

8. *Andrew Keaney, Boyds Asparagus Industries Limited (BAIL)* seeks costs from the Appellant in relation to this appeal.



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Dated 4th October 2023

Address for service:

Managing Director
Boyds Asparagus Industries Limited (BAIL)
108 Hautapu Road,
RD 1
Cambridge

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.