

15th of March 2017

Chairman  
Hearing Commissioners  
Proposed Plan Change 10 to the Bay of Plenty Regional Water and Land Plan

Attention: Nora Moore, Committee Advisor  
E-mail: [nora.morre@boprc.govt.nz](mailto:nora.morre@boprc.govt.nz)

Dear Sir,

**APPLICATION TO ADDUCE SUBMISSION – BALLANCE AGRI-NUTRIENTS LIMITED – KEVIN WOOD**

I refer to the Hearing Commissioners' Memorandum Number 9 dated the 13th of March 2017 and to the Memorandum provided to the Chair of the hearing Panel by Counsel for the Bay of Plenty Regional Council dated the 10th of March 2017.

Counsel for the Bay of Plenty Regional Council (in its memorandum of the 10th of March) notes that it objects to a number of the briefs of evidence as filed with the Bay of Plenty Regional Council on the 6th of March 2017, considering these to be expert briefs. At point 2(f) of the Council's memorandum the reasons provided for objecting my evidence are stated as follows:

"The evidence of Kevin Wood, Environmental Manager, on behalf of Balance Agri-Nutrients Ltd: See paragraph 1.1 as to expert qualifications; 1.3 as to expert status re OVERSEER; 2.1as to scope; 3.3 "I am not a technical expert".

In reply to Bay of Plenty Regional Council's response, Memorandum 9 (dated the 13th of March) provided by the Hearing Commissioners' directs that (at point 5(a)) "Any party whose witness has been identified above, may file an Application to adduce their evidence, by 12.00 noon on Wednesday, 15 March 2017. Such Application is to address the following issues:

- [i] Whether or not the witness is, in fact, an "expert witness";
- [ii] The reasons for the late filing;
- [iii] Whether undue prejudice could be avoided in the event of the evidence being admitted."

I filed evidence, on behalf of Ballance, with the Bay of Plenty Regional Council on the 6th of March 2017. Within section 1.1 of my statement I noted my name, my role at Ballance Agri-Nutrients Limited (hereafter referred to as 'Ballance'), and my qualifications. As I am an employee of Ballance, my statement is provided on behalf of the Company, as a Company brief. Section 1.5 of my statement I confirm that I am authorised to present evidence on behalf of Ballance.

I submitted in accordance with the filing instructions set out by the Hearings Commissioners' in Memorandum Number 4 as I did not consider myself to be an expert witness. I have been to University, but I am not a nutrient management expert. I do not practice in nutrient management, nor do I know the technical detail behind OVERSEER. While I have reviewed a number of the relevant briefs of evidence uploaded to the Bay of Plenty Regional Council's website, I do not traverse the technical briefs provided by the Bay of Plenty Regional Council's nutrient management experts, or those of others in detail, as I am not qualified to do so.

Rather, my evidence is intended to highlight and reiterate the key points addressed by Ballance in the further submissions that it lodged in support of Ravensdown Limited and the Fertiliser Association of New Zealand. The five-page statement does not introduce new material and I believe that it will not prejudice others in the event of it being admitted.

Having reviewed my statement subsequent to lodging, I note that I have used the phrase 'in my opinion' or 'I am of the opinion' in sections 5.3, 5.4, and 6.1. As I am not an expert and was speaking on behalf of the company a more accurate wording would have been 'Ballance considers'. Similarly, the phrase 'I believe' in sections 3.4 and 5.2 should have read 'the Company believes'.

I would like the Hearing Commissioners' to consider this Application to allow Ballance's submission to be heard.

Regards

A handwritten signature in black ink, appearing to read 'Kevin Wood', with a stylized flourish at the end.

Kevin Wood