

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2016-404-2331

BETWEEN MAN O'WAR FARM LIMITED
 Appellant

AND AUCKLAND COUNCIL
 Respondent

AND FEDERATED FARMERS OF
 NEW ZEALAND INCORPORATED
 Section 301 Party

AND ROYAL FOREST AND BIRD PROTECTION SOCIETY
 OF NEW ZEALAND INCORPORATED
 Section 301 Party

AND ENVIRONMENTAL DEFENCE SOCIETY INC
 Section 301 Party

Date: 22 June 2017

Counsel: C Casey QC for Appellant
 M G Wakefield and C J Brown for Respondent
 R Gardner for Federated Farmers of New Zealand Inc
 S Gepp and P Anderson for Royal Forest and Bird Protection Society

MINUTE OF WHATATA J

SOLICITORS: *Brian Joyce, Auckland brian.joyce@clendons.co.nz matt@casey.co.nz
 *Federated Farmers of New Zealand, rgardner@fedfarm.org.nz
 *Sellar Bone, Auckland colin@sellarbone.co.nz
 *Auckland Council, Auckland mike.wakefield@aucklandcouncil.govt.nz
 *Christian.brown@aucklandcouncil.govt.nz*****

Copy to: *Royal Forest and Bird Protection Society of New Zealand Inc
s.gepp@forestandbird.org.nz Madeleine@eds.org.nz*

[1] I have before me two memoranda of counsel for Man O'War Farm Limited (Man O'War):

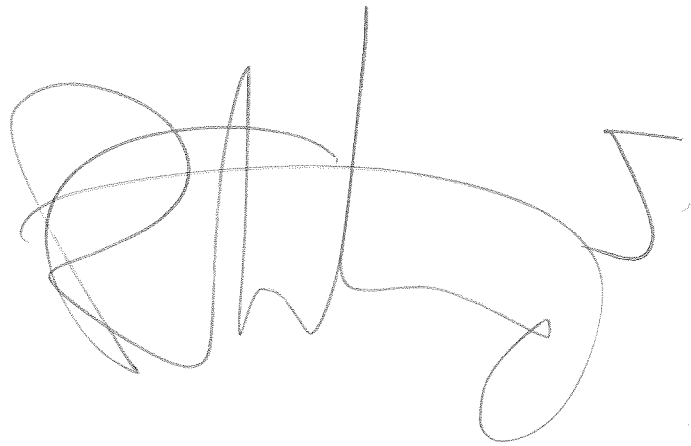
- (a) a memorandum dated 9 June 2017, seeking leave to amend the appeal and to adduce further evidence; and
- (b) a memorandum dated 14 June 2017, advising that the appellant has abandoned Part B of its appeal.

[2] I request that the parties clarify whether there is any opposition to the two applications made by Man O'War. The parties have three working days to update the Court.

[3] If there is none, I am content to grant leave as sought.

Notice of withdrawal

[4] I acknowledge receipt of Man O'War's notice of withdrawal in respect of Part B of its appeal.¹ I also note that there is no issue as to costs.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

¹ Part B comprises paragraphs 9 to 11 of its First Amended Notice of Appeal dated 14 November 2016.