

**IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE**

CIV-2021-412-089

UNDER the Declaratory Judgments Act 1908

IN THE MATTER of an application under the Declaratory
Judgments Act 1908

BETWEEN **OTAGO REGIONAL COUNCIL**
Plaintiff

AND **ROYAL FOREST AND BIRD PROTECTION
SOCIETY INC**
Defendant

**JOINT MEMORANDUM OF COUNSEL REGARDING OCEANA
GOLD (NEW ZEALAND) LIMITED FILING A LATE STATEMENT OF
DEFENCE
Dated 5 November 2021**

Next event date: 8 February 2022

Solicitor acting:

Jackie St John
In-house counsel
22 Maclaggan St
Dunedin 9016
Jackie.stjohn@oceanagold.com

Counsel acting:

Stephen Christensen
Project Barrister
421 Highgate, Dunedin 9010
P 027 448 2325
stephen@projectbarrister.nz

MAY IT PLEASE THE COURT:

1. Oceana Gold (New Zealand) Limited (**OGNZL**) submitted on the Proposed Otago Regional Policy Statement (**PORPS**) which is the subject of the declaration proceedings.
2. OGNZL was served with a copy of the declaration proceedings on 27 September 2021 and on 18 October OGNZL filed a Notice of Appearance in the High Court. Notices of Appearance or Statements of Defence for those served with a copy of the proceedings were to be filed by 26 October 2021.
3. OGNZL would now like to file a Statement of Defence so that it can preserve rights of appeal, as noted in the High Court's Minute dated 29 October 2021.
4. Therefore, and in accordance with High Court Rule 1.8, OGNZL respectfully requests an order from the Registrar that OGNZL's statement of defence be filed and served on the parties by 18 November 2021.
5. OGNZL considers that there should be no prejudice to any party because:
 - a. OGNZL has already, through its Notice of Appearance and accompanying affidavits, indicated its position on the declaration proceedings; and

- b. OGNZL agrees to abide by the timetabling directions that have already been set and the late filing of the Statement of Defence will not delay the hearing of this matter.
6. All the below-signed parties consent to OGNZL's late filing of the Statement of Defence. This includes Matariki Forests and Ernslaw One Limited who is also seeking an order to file a late statement of defence.

DATED this 5th day of November 2021



Stephen Christensen/Jackie St John
Counsel for Oceana Gold (New Zealand) Limited



Alastair Logan / Thea Sefton
Counsel for Otago Regional Council

m. Garbett.

Michael Garbett

Counsel for Waitaki District Council and Dunedin City Council

Rosemary Dixon / Polly Higbee

Counsel for the Minister for the Environment

Philip Maw

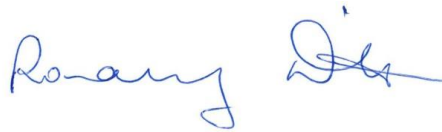
Counsel for Canterbury Regional Council

Sarah Scott

Counsel for Queenstown Lakes District Council

Michael Garbett

Counsel for Waitaki District Council and Dunedin City Council



A handwritten signature in blue ink, appearing to read 'Rosemary Dixon' with a stylized flourish at the end.

Rosemary Dixon / Rafe Muston

Counsel for the Minister for the Environment

Philip Maw

Counsel for Canterbury Regional Council

Sarah Scott

Counsel for Queenstown Lakes District Council

Michael Garbett

Counsel for Waitaki District Council and Dunedin City Council

Rosemary Dixon / Polly Higbee

Counsel for the Minister for the Environment



Philip Maw

Counsel for Canterbury Regional Council



Sarah Scott

Counsel for Queenstown Lakes District Council

Peter Anderson

Counsel for Royal Forest and Bird Protection Society of New Zealand Inc



Len Andersen QC / Sally McMillan

Counsel for Port Otago Limited

Maree Baker-Galloway / Roisin Giles

Counsel for Otago Fish and Game Council

Chris Ford

Counsel for Te Rūnanga o Ngāi Tahu

Peter Anderson

Counsel for Royal Forest and Bird Protection Society of New Zealand Inc

Len Andersen QC / Sally McMillan

Counsel for Port Otago Limited

Maree Baker-Galloway

Maree Baker-Galloway / Roisin Giles

Counsel for Otago Fish and Game Council

Chris Ford

Counsel for Te Rūnanga o Ngāi Tahu

Peter Anderson

Counsel for Royal Forest and Bird Protection Society of New Zealand Inc

Len Andersen QC / Sally McMillan

Counsel for Port Otago Limited

Maree Baker-Galloway / Roisin Giles

Counsel for Otago Fish and Game Council



Chris Ford

Counsel for Te Rūnanga o Ngāi Tahu



Jayne Macdonald

Counsel for Central Otago District Council

Sally Gepp

Counsel for Matariki Forests and Ernslaw One Limited

Jayne MacDonald

Counsel for Central Otago District Council

A handwritten signature in blue ink that reads "Sally Gepp". The signature is written in a cursive style with a large initial 'S'.

Sally Gepp

Counsel for Matariki Forests and Ernslaw One Limited