

IN THE HIGH COURT OF NEW ZEALAND  
DUNEDIN REGISTRY

I TE KŌTI MATUA O AOTEAROA  
ŌTEPOTI ROHE

CIV-2021-412-000089

<b>UNDER</b>	the Declaratory Judgments Act 1908
<b>IN THE MATTER</b>	of an application under the Declaratory Judgment Act 1908
<b>BETWEEN</b>	OTAGO REGIONAL COUNCIL <b>Plaintiff</b>
<b>AND</b>	ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED <b>Defendant</b>

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**JOINT MEMORANDUM REGARDING LATE FILING OF STATEMENTS  
OF DEFENCE BY ERNSLAW ONE LIMITED AND MATARIKI FORESTS**

**Dated 10 November 2021**

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Solicitor: Philip Bellamy  
90 Collingwood Street  
PO Box 823  
Nelson 7040

Counsel: Sally Gepp / Madeleine Wright  
Level 1, 189 Hardy Street  
Nelson 7010  
[sally@sallygepp.co.nz](mailto:sally@sallygepp.co.nz)  
[madeleine@sallygepp.co.nz](mailto:madeleine@sallygepp.co.nz)  
021 558 241 / 021 468 7778

**MAY IT PLEASE THE COURT**

1. Matariki Forests and Ernslaw One Limited request that the registrar make an order:

*That Statements of Defence by Matariki Forests and Ernslaw One Limited are to be filed by 18 November 2021.*

2. HCR 1.8 provides that when the leave of the court is required in any matter of procedure, and all parties and persons who are affected consent to the grant of leave, a party may file a memorandum signed by all those parties and persons evidencing that consent and its terms and conditions. The registrar may:

- a. make an order in terms of the memorandum; or
- b. refer the memorandum to the Court in which case it must be treated as an interlocutory application for leave.

3. In their Joint Memorandum dated 3 September 2021 seeking service and timetabling directions, the plaintiff and defendant recorded that “Neither the plaintiff nor the defendant will oppose leniency being afforded to any person who wishes to join the proceedings out of time so long as the hearing dates are not affected.” (paragraph 59).
4. Matariki Forests and Ernslaw One Limited will abide by the timetabling directions made to date, including the hearing dates of 8 – 9 February 2022.
5. All parties to the proceeding consent to the late filing of Matariki Forests and Ernslaw One Limited’s Statements of Defence on the terms set out above.



Sally Gepp  
Counsel for Matariki Forests and Ernslaw One Limited



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Otago Regional Council  
Alastair Logan / Thea Sefton

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Royal Forest and Bird Protection Society of New Zealand Inc  
Peter Anderson

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Oceana Gold (New Zealand) Limited  
Jackie St John

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Port Otago Limited  
Len Andersen QC / Sally McMillan

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Otago Fish and Game Council  
Maree Baker-Galloway / Roisin Giles

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Otago Regional Council  
Alastair Logan / Thea Sefton



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*Maree Baker-Galloway*

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Maree Baker-Galloway / Roisin Giles

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Otago Regional Council  
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Royal Forest and Bird Protection Society of New Zealand Inc  
Peter Anderson

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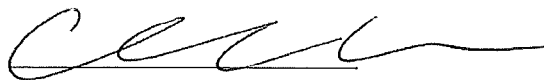
Oceana Gold (New Zealand) Limited  
Jackie St John

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Port Otago Limited  
Len Andersen QC / Sally McMillan

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Otago Fish and Game Council  
Maree Baker-Galloway / Roisin Giles



Te Rūnanga o Ngāi Tahu  
Chris Ford

*m. Juleta.*

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Waitaki District Council and Dunedin City Council  
Michael Garbett

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Minister for the Environment  
Chris Rosemary Dixon / Polly Higbee

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Canterbury Regional Council  
Philip Maw

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Queenstown Lakes District Council  
Sarah Scott

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Central Otago District Council  
Jayne MacDonald

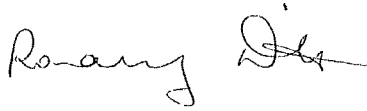


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Te Rūnanga o Ngāi Tahu  
Chris Ford

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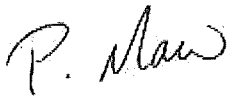
Waitaki District Council and Dunedin City Council  
Michael Garbett



Rosemary Dixon

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Minister for the Environment  
Rosemary Dixon / Rafe Muston



P. Maw

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Philip Maw

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Queenstown Lakes District Council  
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Central Otago District Council  
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Te Rūnanga o Ngāi Tahu  
Chris Ford

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Waitaki District Council and Dunedin City Council  
Michael Garbett

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Minister for the Environment  
Chris Rosemary Dixon / Polly Higbee

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Canterbury Regional Council  
Philip Maw

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Queenstown Lakes District Council  
Sarah Scott

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Central Otago District Council  
Jayne MacDonald

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Te Rūnanga o Ngāi Tahu  
Chris Ford

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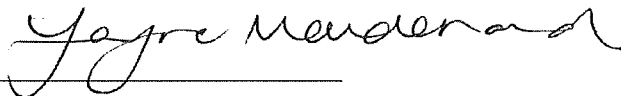
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Philip Maw

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Central Otago District Council  
Jayne Macdonald