

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2018-CHC-37
ENV-2018-CHC-50

IN THE MATTER of the Resource Management Act 1991
AND of appeals under Clause 14 of the First Schedule
of the Act

BETWEEN **SOUTHLAND FISH AND GAME COUNCIL**
Appellant

AND **ROYAL FOREST AND BIRD PROTECTION**
SOCIETY OF NEW ZEALAND INCORPORATED
Appellant

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

Joint Memorandum of Counsel

**On behalf of the Southland Fish & Game Council and Royal Forest and Bird
Protection Society Inc ("RFBPS")**

Dated: 9 April 2019

COUNSEL for SOUTHLAND FISH AND GAME COUNCIL	SARAH ONGLEY Barrister PO Box 8213 New Plymouth Central Phone: (06) 769 9400 Email: sarah@ongley.co.nz
---	---

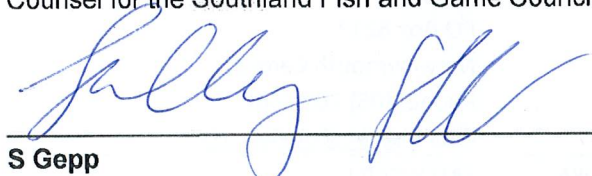
COUNSEL for ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INC	SALLY GEPP PO Box 266 Nelson 7040 Phone: 021 558 241 Email: s.gepp@forestandbird.org.nz
--	---

MAY IT PLEASE THE COURT

1. In a Minute dated 5 March 2019 the Court directed that Counsel wishing to be excused from attending the Topic A hearings seek leave from the Court.
2. The cases for the Southland Fish & Game Council and RFBPS for the Topic A hearing are very much aligned. Counsel for these two parties seek leave that during the course of the two week hearing, either Ms Gepp or Ms Ongley will be present, but that one or other Counsel may be excused (at times where their client has no or limited interest in the relevant part of the hearing). The Court will not be required to keep track of the comings and goings of Counsel because Counsel will be in close contact for the duration of the hearing and, as stated, either Ms Gepp or Ms Ongley will be present at all times.
3. In particular, Ms Gepp is appearing in the High Court in Dunedin on 5 and 6 June in relation to an appeal concerning the Otago Regional Policy Statement, and accordingly will not be able to appear in the Environment Court on those dates. The hearing timetable that the Council has proposed would see RFBPS's case presented in the following week, so this absence will have limited impact on RFBPS's participation in the hearing, in light of the arrangement with Ms Ongley described above.
4. This arrangement also means that where Fish & Game and RFBPS both seek to cross-examine witnesses, Ms Ongley and Ms Gepp will endeavour as far as possible to divide those witnesses between them so that only one of them cross-examines, thereby reducing overall cross-examination time.
5. Counsel respectfully seeks leave for the above arrangement.



S Ongley
Counsel for the Southland Fish and Game Council



S Gepp
Counsel for RFBPS

Dated: 9 April 2019