

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV – 2026 – CHC -

UNDER

The Resource Management Act 1991 (“**RMA**”)

IN THE MATTER OF

An application for strike-out of two appeals on the proposed Te Tai o Poutini Plan

BETWEEN

**ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INC**

Applicant

AND

**BULLER DISTRICT COUNCIL & GREY DISTRICT
COUNCIL**

Respondents

JOINT MEMORANDUM OF COUNSEL

Dated 13 May 2026

Next Event Date: 22 May 2026
Judicial Officer: Judge Reid

B S Carruthers KC
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JOINT MEMORANDUM OF COUNSEL

May it please the court:

1. The Court has scheduled a 1-day hearing at 10:00am in Christchurch on 22 May 2026 for the motion of the Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest and Bird**) to strike-out the appeals and s274 notices of Buller District Council and Grey District Council (**Respondents**).
2. Counsel for the Respondents has previously requested permission to appear by audio visual link for the hearing (such permission was confirmed by the Registry).
3. Counsel have conferred and agree that a half day hearing is sufficient because:
 - (a) no other parties have filed Form 37 Notices;
 - (b) the evidence is by way of affidavits;
 - (c) legal submissions will be filed in advance.
4. Counsel for the Respondents will be attending the hearing on 22 May 2026 from the United Kingdom. As there is a 13-hour time difference, the parties agree to an earlier start time than 10am, if this is acceptable to the Court.
5. The parties respectfully request the following directions from the Court:
 - (a) Counsel for the Respondents are permitted to appear by AVL for the hearing;
 - (b) the hearing starts at 9:00am or earlier to accommodate the 13-hour time difference;
 - (c) the witnesses are not required to attend the hearing; and
 - (d) the audio-visual link can be made available for others (including officers of the Respondents and the Respondents' solicitors) to observe the hearing remotely.

Dated 13 May 2026



B S Carruthers KC
Counsel for the Respondents



P Anderson/ M Downing
Counsel for the Applicant