

**BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

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

**ENV-2018-CHC-0040**

**UNDER**

the Resource Management Act 1991

**AND**

**IN THE MATTER OF**

on an appeal under clause 14 of  
Schedule 1 of the RMA in relation to  
Decisions on the Proposed  
Southland Water and Land Plan

**BETWEEN**

SOUTHLAND FISH AND GAME  
COUNCIL

**Appellant**

**AND**

SOUTHLAND REGIONAL  
COUNCIL

**Respondent**

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**MEMORANDUM OF COUNSEL ON BEHALF OF SOUTHLAND FISH AND  
GAME COUNCIL REGARDING WITHDRAWAL OF APPEAL POINT**

**Dated this 18<sup>th</sup> day of February 2022**

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**MAY IT PLEASE THE COURT:**

1. This memorandum is filed on behalf of Southland Fish and Game Council (**Fish and Game**).
2. Fish and Game is an appellant regarding provisions on the Proposed Southland Water and Land Plan (**pSWLP**).
3. Fish and Game seeks to withdraw its appeal point on Rule 5, which sought the insertion of the additional clause: “the discharge is not into any Regionally Significant Wetland or Sensitive Waterbodies listed in Appendix A.”
4. This relief was included in Fish & Game’s preferred relief in November 2021 when the scope of matters agreed at mediation remained uncertain in some respects. However, Mr Farrell’s evidence for Fish and Game and Forest and Bird did not address Rule 5, and no change was included in his consolidated track changes in Appendix 1 to his Evidence in Chief.
5. No party has produced evidence in response, except for Mr McCallum Clark, whose evidence stated that the primary reason for Council not agreeing to this change is uncertainty in the scope of the submission and appeal points to the Rule, and that this would be further addressed in Council’s legal submissions.

Dated this 18<sup>th</sup> day of February 2022



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Sally Gepp  
Counsel for Southland Fish and Game Council