

## Kate McKinlay

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**To:** Alyssa Langford  
**Subject:** RE: pSWLP Southland tranche 1

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**From:** Brownlee, Maddy <[Maddy.Brownlee@justice.govt.nz](mailto:Maddy.Brownlee@justice.govt.nz)>

**Sent:** Tuesday, 21 June 2022 1:40 PM

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**Subject:** pSWLP Southland tranche 1

Good morning

I have referred SRC's memorandum dated 20 June 2022 to Judge Borthwick who responds:

1. Planning and farm systems experts giving evidence on behalf of two or more parties have agreed to participate in a joint expert conference to be held on Wednesday 22 June 2022;
2. I decline to give the directions sought by Dairy Interests that Dr Monaghan or Mr McCallum-Clark prepare supplementary evidence. A joint witness statement is evidence and any participating expert may be recalled and examined on the same;
3. It is important that the experts comply with the Practice Note 2014: Appendix 3 – Protocol for Expert Witness Conference and in particular cl 7 (General Directions on Conferencing). Counsel are to provide a copy of Appendix 3 together with this direction to their witnesses. I draw the witnesses attention to cl 7 (i) which sets out the matters that a joint witness is to contain;
4. Paragraph 16, second sentence, should say 'policy' and not 'rule'.
5. Finally paragraph 17 is not well expressed. The court heard evidence from Mr Wilson, Federated Farmers, suggesting that a reduction in contaminants achieved at the scale of the region or catchment/sub-catchment following implementation of the pSWLP's rules and methods (refer footnote 22 in Minute 16/6/22) could support an increase in discharge of contaminants consequential upon an increase in the area of IWG. Mr Willis, for Dairy Interests, seems to say the contrary at paragraphs [5.12] and [5.13] of his 20 December 2021 brief. Both Policy 16 and Rule 20A appear to be dealing with the discharge of contaminants at the scale of a farm or landholding and do not admit to the possibility for an individual farmer may *offset* an increase in contaminant discharges by pointing to contaminants being minimised or reduced elsewhere on his/her property or further afield. The planners are to comment.

J E Borthwick  
Environment Judge  
21 June 2022

Kind regards  
Maddy



**Maddy Brownlee**

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Thank you.

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