

Kate McKinlay

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Subject: pSWLP Tranche 1

Good evening

I have referred the SRC memorandum dated 10 August 2022 to Judge Borthwick who directs:

- *Leave is granted for SRC to file a supplementary brief of evidence from Mr McCallum-Clark proposing wording for a post-grazing residual measure, Appendix N. It is not proposed to call Mr McCallum-Clark prior to closing submissions. While leave is granted, this is provisional given that I have not heard from the parties with an interest in the topic. Counsel may address the supplementary evidence in submissions when the proceedings resume;*
- *Parties with an interest in the high risk pasture winter grazing provisions are to address the court on whether this activity includes use of land as dairy support land under the NES-Freshwater and the application of the NES-Freshwater to this activity;*
- *If they do not agree with him, parties with an interest in pSWLP, Policy 16 will address Mr McCallum-Clark's interpretation of Policy 16(c1). We understand him to say that Policy 16 (a) applies to all farming activities including IWG and high risk pasture winter grazing and secondly, policy 16 (1c) introductory words "subject to (a) and (b) being achieved across the whole of the land holding, ..." means an increase in overall contaminant losses for the whole of the land holding would be contrary to this policy. Thus while there may be variation in contaminant losses, the contaminant losses for the land holding overall are not to increase. This interpretation applies to the versions of sub-clause (c1) supported by Fonterra / Dairy Interests and SRC in the August Consolidated Plan.*

*J E Borthwick
Environment Judge
10 August 2022*

Kind regards
Maddy

Maddy Brownlee

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