

Form 5**SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PAREORA CATCHMENT
ENVIRONMENTAL FLOW AND WATER ALLOCATION REGIONAL
PLAN**

Clause 6 of the First Schedule, Resource Management Act 1991

To: Canterbury Regional Council

Name of Submitter: Candy Dairy Limited

Address of Submitter: Pareora Gorge Road
Cave

Address for Service: Candy Dairy Limited
c/- Anderson Lloyd Lawyers
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Contact Person: Lisa Smith

This is a submission on the Proposed Pareora Catchment Environmental Flow and Water Allocation Regional Plan ("the Proposed Plan")

My submission relates to the Proposed Plan in its entirety.

My submission is:

1. Candy Dairy Limited owns a 221 hectare farm at Pareora Gorge Road, Cave (legal description: Section 70 Rosewill SETT and Pt Section 69 Rosewill SETT) – the Property.
2. Candy Dairy Limited holds the following consents to take water from within the Cannington Catchment to irrigate the Property:
 - a. CRC990943.3 – to abstract water from a shallow gallery adjacent to the Pareora River; and
 - b. CRC082186 – to take groundwater from a deep aquifer(s) for the purpose of irrigation.
3. These consents have recently been granted as part of a lengthy Environment Court appeal process. Candy Dairy Limited participated in extensive mediation with the Canterbury Regional Council, a result of which an agreed basis for settlement was reached in relation to both consents. CRC990943.3 was issued as a variation to the previously held consent by the Canterbury Regional Council on 23 August 2010. CRC082186 was approved with conditions by the issuing of a consent order by the Environment Court on 26 August 2010.
4. The Canterbury Regional Council has confirmed that:
 - a. CRC990943.3 as varied results in a net positive effect on Pareora River flows;
 - b. CRC082186 as approved appropriately addresses any potential effects in relation to the allocation of groundwater within the Cannington Basin; and
 - c. any potential adverse effects on long term water levels can be adequately addressed via the monitoring and review conditions contained in CRC082186.
5. The current suite of consents held by Candy Dairy Limited will ensure that Pareora River flows are maintained and/or improved. In particular, the amendments to the shallow gallery consent will offer a short-term benefit to

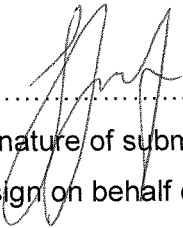
Pareora River flows, instream values of the Pareora River, water quality and reliability of supply to existing consent holders. The increased minimum flows on the shallow gallery consent will also provide certainty to downstream users in terms of reliability of supply and effects in instream values.

6. Candy Dairy Limited is concerned to ensure that its existing consents and the productive potential of the Property are not undermined in any way as part of the Proposed Plan review process. It is critical to viability of the property that the irrigation capacity is maintained.
7. The Proposed Plan's focus is on maintaining the existing environment, which includes protecting instream values but also ensuring that existing surface and groundwater abstractors maintain a reasonable degree of reliability of supply. That requires consideration within the planning framework of the need to sustain the economic wellbeing and reasonably foreseeable needs of the farming community.
8. Accordingly, Candy Dairy Limited is generally supportive of the Proposed Plan provided that it does not affect existing water rights or otherwise undermine the current or future productive potential of the Property.

Decision Sought

9. That the Proposed Plan be approved and/or amended as required to give effect to this submission, including ensuring that:
 - a. there is explicit policy recognition of the rights of existing consent holders and the reasonably foreseeable needs of the farming community;
 - b. any controls on abstraction or other rules within the Proposed Plan do not affect the irrigation capacity or future productive potential of the Property; and
 - c. such further and other consequential relief as may be required to give effect to this submission.
10. Candy Dairy Limited wishes to be heard in support of their submission.

11. If others make a similar submission, Candy Dairy Limited will consider presenting a joint case with them at a hearing.


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Signature of submitter/person authorised
to sign on behalf of submitter

Date: 2 September 2010