

Regional Plan: Water for Otago

Proposed Plan Change 7 (Water Permits)

Introduction

The Otago Regional Council has prepared Proposed Plan Change 7 to the Regional Plan: Water for Otago.

Proposed Plan Change 7 (Water Permits) is intended to provide an interim regulatory framework for the assessment of applications to renew:

- deemed permits expiring in 2021
- any other water permits expiring prior to 31 December 2025, the date by which the new Regional Land and Water Plan (LWRP) is expected to be operative.

The Plan Change also establishes a requirement for short duration consents for all new water permits granted under the operative Water Plan rules.

The provisions will enable the assessment of applications and issuing of resource consents subject to conditions for a short duration during which time a new LWRP will be prepared.

Insert the following text as two new paragraphs at the end of the section entitled 'How to Use the Regional Plan: Water'

Applications for water permits to replace deemed permits or to replace water permits that expire before 31 December 2025 will be assessed in accordance with the objective, policies and rules set out in Chapter 10A of this Regional Plan: Water.

Applications for new water permits that are not replacing either a deemed permit or an existing water permit will be assessed in accordance with the provisions in Chapters 6, 12 and 20, except that the duration of any water permit will be determined in accordance with the policies in Chapter 10A.

Insert the following new Chapter in the Water Plan immediately following Chapter 10

10A

Objective, Policies & Rules for Replacement Water Take & Use Permits



10A.1 Objective

10A.1.1 Transition toward the long-term sustainable management of surface water resources in the Otago region by establishing an interim planning framework to manage new water permits, and the replacement of deemed permits and water permits to take and use surface water (including groundwater considered as surface water) where those water permits expire prior to 31 December 2025, until the new Land and Water Regional Plan is made operative.

10A.2 Policies

10A.2.1 Irrespective of any other policies in this Plan, avoid granting resource consents that replace deemed permits, or water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, except where:

- (a) The deemed permit or water permit that is being replaced is a valid permit; and**
- (b) There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and**
- (c) There is no increase in the instantaneous rate of abstraction; and**
- (d) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and**
- (e) There is a reduction in the volume of water allocated for abstraction.**

10A.2.2 Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents for the take and use of water for a duration of no more than six years.

10A.2.3 Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents that replace deemed permits, or resource consents that replace water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, for a duration of no more than six years, except where Rule 10A.3.2.1 applies and:

- (a) The activity will have no more than minor adverse effects (including no more than minor cumulative effects) on the ecology and the hydrology of the surface water body (and any connected water body) from which the abstraction is to occur; and**
- (b) The resource consent granted will expire before 31 December 2035.**

10A.3 Rules

10A.3.1 Controlled activity: Resource consent required

10A.3.1.1 Despite any other rule or rules in this Plan;

- a) any activity that is currently authorised under a Deemed Permit; or
- b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is currently authorised by an existing water permit where that water permit expires prior to 31 December 2025;

is a ***controlled*** activity provided the following conditions are met:

- (i) The consent duration sought is no more than six years; and
- (ii) The deemed permit or water permit that is being replaced is a valid permit; and
- (iii) The application demonstrates that the total land area under irrigation does not exceed that irrigated in the 2017-2018 irrigation season, if the abstracted water is used for irrigation; and
- (iv) The rate of take shall be no more than the average maximum rate of take limit recorded during the period 1 July 2012 – 30 June 2017 and calculated in accordance with the method in Schedule 10A.4; and
- (v) Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent; and
- (vi) The volume of water taken shall be no more than the average maximum of the daily volume limit, or monthly volume limit, or annual volume limit (whichever one or more are applicable) recorded during the period 1 July 2012 – 30 June 2017, and calculated in accordance with the method in Schedule 10A.4.

The Council reserves control over the following matters:

- (a) Intake method and flow rate controls to avoid or mitigate fish entrainment; and
- (b) The volume and rate of water taken, dammed, discharged or diverted, and the timing and frequency of the take or damming or diversion or discharge; and
- (c) Efficiency of water use and how that efficiency is to be sustained for the duration of the water permit; and
- (d) Provision of fish passage; and
- (e) The rules or operating procedures of any relevant water allocation committee that exists for the catchment; and
- (f) Minimum flow, residual flow or take cessation conditions; and
- (g) Review conditions; and
- (h) Compliance monitoring; and
- (i) The point and method of measurement and the method for transmitting recorded data to Council.

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification. Limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under Section 95B(3) of the RMA.

Advice Note: *If the application is for a new water permit (and not the replacement of a deemed permit or replacement of an expiring water permit) refer to the rules in Chapter 12 of this Plan.*

10A.3.2 Non-complying activity: Resource consent required

10A.3.2.1 Despite any other rule or rules in this Plan:

- a) any activity that is the replacement of an activity authorised under a Deemed Permit; or
- b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is the replacement of a take and use authorised by an existing water permit where that water permit expires prior to 31 December 2025;

that does not meet any one or more of the conditions of Rule 10A.3.1.1 is a **non - complying** activity.

10A.4 Schedule: Methodology for calculating assessed actual usage for surface-water takes for irrigation purposes

10A.4.1 Methodology for calculating ‘Rate of Take Limit’

The ‘Rate of Take Limit’ (litres per second – L/s) shall be determined by calculating the Average Maximum of the actual rate taken. In order to achieve this, the actual rate taken across the hydrological year (1 July to 30 June) will be analysed to determine the maximum rate taken at any time during that year. The maximum rate taken in each hydrological year will then be summed and divided by the number of years analysed.

Methodology

- (1) Where a water meter records the volume of water taken over a fixed period of time, the rate of take will be calculated by converting the volume taken in litres by the interval recorded by the meter. For example, 10 m³ taken over a 15-minute period will equate to a rate of take of 11.11 l/s.
- (2) Any measurement that is at or below 0 l/s will be removed.
- (3) Any measurement that exceeds the authorised (consented) rate by less than the margin of error of the water meter is rounded down to the authorised rate.
- (4) Any measurement that exceeds the authorised rate of take by more than the margin of error of the water meter will be removed from the data and not considered further. This ensures that the following are excluded from any calculations:
 - a) Abstracting above the consented rate of take, and
 - b) errors caused by faulty equipment, and
 - c) abstraction rates that are high due to natural events such as floods.
- (5) The margin of error to be applied to any calculation will be either 5% or 10% depending on:
 - a) the margin of error specified in any consent or permit being replaced,
or
 - b) the results of the last verification presented to the Otago Regional Council, or
 - c) the margin of error specified by the meter’s manufacturer.
- (6) The maximum rate taken in each water year will be summed across the hydrological years analysed and divided by the number of hydrological years analysed.

10A.4.2 Methodology for calculating Daily Volume Limit (m3)

The 'Daily Volume Limit' shall be determined by calculating the Average Maximum of the actual 'Daily Volume' taken. In order to achieve this, the maximum 'Daily Volume' taken on any day in each water year (1 July to 30 June) will be calculated. The maximum 'Daily Volume' in each water year will then be summed across the hydrological years analysed and divided by the number of hydrological years analysed.

Methodology

- (1) Where a consent being replaced does not include a 'Daily Volume Limit', the authorised volume will be calculated based on the following formula:

$$\text{Daily Volume m}^3 = ((\text{Consented Rate of Take l/s}) \times 86,400) / 1,000$$

- (2) Any measurement that is at, or below, 0 m3 will be removed.
- (3) Any day that exceeds the authorised (consented) or calculated daily volume by less than the margin of error on the water meter is rounded down to the consented volume.
- (4) Any day where the volume taken exceeds the authorised (consented) or calculated volume by more than the margin of error of the water meter will be removed from the data and not considered further. This ensures that the following are excluded from any calculations:
- a) overtaking outside of existing authorised limits, and
 - b) errors caused by faulty equipment, and
 - c) overtaking caused by natural events such as floods.
- (5) The margin of error will be treated as being either 5% or 10% depending on:
- a) the margin of error specified in any consent or permit being replaced, or
 - b) the results of the last verification presented to the Otago Regional Council, or
 - c) the margin of error specified by the meter's manufacturer.
- (f) The maximum 'Daily Volume' taken in each water year will be summed across the hydrological years analysed and divided by the number of hydrological years analysed.

10A.4.3 Methodology for calculating Monthly Volume Limit (m3)

The ‘Monthly Volume Limit’ shall be determined by calculating the Average Maximum of the actual ‘Monthly Volume’ taken. In order to achieve this, the maximum ‘Monthly Volume’ taken in any month in each water year (1 July to 30 June) will be calculated. The maximum ‘Monthly Volume’ in each water year will then be summed across the hydrological years analysed and divided by the number of hydrological years analysed.

Methodology

- (1) Where a consent being replaced does not include a ‘Monthly Volume Limit’ the authorised volume will be calculated based on the following formula;

$$\text{Monthly Limit} = (\text{Consent Daily Volume or Calculated Daily Volume}) \times 30.4$$

- (2) Actual Monthly volumes will be calculated based on the sum of the assessed Daily Volumes in each calendar month. For the purposes of this calculation Daily Volumes will be filtered using the same steps used when calculating the Maximum Daily Volume.
- (3) Any measurement that is at, or below, 0 m3 will be removed.
- (4) Any month where the volume taken exceeds the authorised or calculated volume by less than the margin of error on the water meter is rounded down to the consented volume.
- (5) Any month where the volume taken exceeds the authorised or calculated volume by more than the margin of error of the water meter will be removed from the data and not considered further. This ensures that the following are excluded from any calculations:
- a) overtaking outside of existing authorised limits, and
 - b) errors caused by faulty equipment, and
 - c) overtaking caused by natural events such as floods.
- (6) The margin of error to be applied to any calculation will be either 5% or 10% depending on:
- a) the margin of error specified in any consent or permit being replaced, or
 - b) the results of the last verification presented to the Otago Regional Council, or
 - c) the margin of error specified by the meter’s manufacturer.
- (7) The maximum ‘Monthly Volume’ taken in each water year will be summed across the hydrological years analysed and divided by the number of hydrological years analysed.

10A.4.4 Methodology for calculating Annual Volume Limit (m3)

The ‘Annual Volume Limit’ shall be determined by calculating the average of the actual volumes taken each year.

Methodology

- (1) Where a consent or permit being replaced does not include an ‘Annual Volume Limit’ the authorised volume will be calculated based one of the following formula. The formula used will be whichever produces the lower calculated Annual Limit;

$$\text{Annual Limit} = (\text{Consent Daily Volume or Calculated Daily Volume}) \times 365.25$$

$$\text{Annual Limit} = (\text{Consented Monthly Volume}) \times (\text{Months where water can be taken})$$

Where the consent or permit being replaced specifies the months during which water can be taken, a count of those months will be used. Where the consent or permit being replaced does not specify the months during which water can be used the number used will be 12.

- (2) Actual Annual volumes will be calculated based on the sum of the assessed Daily Volumes in each water year. For the purposes of this calculation Daily Volumes will be filtered using the same steps used when calculating the Maximum Daily Volume.
- (3) Any measurement that is at or below 0 m3 will be removed.
- (4) Any year that exceeds the authorised or calculated volume is rounded down to the authorised volume.
- (5) The ‘Annual Volume’ taken in each water year will then be summed across the hydrological years analysed and divided by the number of hydrological years analysed.

Table of minor and consequential changes

Plan Provision	Detail of proposed change			
Page numbers	Update page numbers.			
Footers	Change footer to read “ <u>Regional Plan: Water for Otago (Updated to <date to be inserted>)</u> ”.			
Title page	Change the date to read “ <u>Updated to <date to be inserted></u> ”.			
ISBN number	Obtain new ISBN numbers for Regional Plan: Water for Otago.			
Chronicle of key events	Add the following to the end of table:			
	Key event	Date notified	Date decisions released	Date operative
	<u>Plan Change 7 (Water Permits) to the Regional Plan: Water</u>	<Date to be inserted>	<Date to be inserted>	<Date to be inserted>
Section 1.4	<u>Proposed Plan Change 7 (Water Permits) provides an interim regulatory framework for the assessment of applications to replace deemed permits expiring in 2021 and other water permits expiring prior to 31 December 2025, the date by which the new Land and water Regional Plan is expected to be operative. It was notified on ..., and a total of ... submissions and ... further submissions were received. Following the hearing, decisions on submissions received were released on Plan Change 7 was made operative on</u>			