

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

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2020-CHC-127

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Water Permits Plan Change - Plan Change 7, being part of a proposal of national significance directed by the Minister for the Environment under section 142(2)(b) of the RMA

AND

IN THE MATTER of an application under section 149T of the RMA

BETWEEN **OTAGO REGIONAL COUNCIL**
Applicant

**JOINT MEMORANDUM OF COUNSEL IDENTIFYING ISSUES FOR
DETERMINATION REGARDING DAMS
21 May 2021**

Judicial Officer: Judge Borthwick

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MAY IT PLEASE THE COURT:

- 1 The purpose of this Memorandum is to respond to the Court's direction that counsel for the Regional Council and OWRUG confer and file a memorandum setting out the issues for the Court's determination regarding the approach to large irrigation dams in PC7.¹
- 2 Counsel have conferred and address the following below:
 - (a) The relief sought by OWRUG and Falls Dam Company Limited with respect to dams;
 - (b) The identification of the factual, planning and legal issues to be determined, including those that arise in relation to the supplementary brief of evidence filed by Mr Curran dated 14 May 2021; and
 - (c) The parties' proposal for the provision of further evidence to provide the factual underpinning for the determination of the issues identified.

Relief sought by OWRUG and Falls Dam Company Limited with respect to dams

- 3 The relief sought by OWRUG and Falls Dam Company Limited with respect to dams was set out in Attachment 1 to the evidence in chief of Matthew Curran. That relief has now been updated and attached as **Appendix 1** to this Joint Memorandum. The amendments suggested by Mr Curran are shown in blue text in Appendix 1.

Factual issues for determination

- 4 What are the dams captured by PC7?
- 5 What is the bundle of permits (both deemed and RMA permits) associated with the dams captured by PC7?
- 6 What is the potential impact classification (**PIC**) of those dams under the NZ SOLD Dam Safety Guidelines?
- 7 Is there evidence that establishes an imminent risk of dam failure in the absence of capital investment?

¹ Minute of the Environment Court Plan Change 7 – Recall of Witnesses & Updated Timetable dated 19 May 2021.

- 8 Does a 6 year consent duration present a barrier to managing dams in accordance with the NZSOLD Dam Safety Guidelines through discouraging investment or constraining access to funds?

Planning issues for determination

- 9 Why does PC7 capture only deemed permits for damming and discharge of water, and not RMA permits for damming and discharge of water. Is there a resource management reason for that difference in approach?
- 10 What is the relevance of the PIC of the dam?
- 11 What is the nature of the inter-dependence between the damming of water and subsequent discharge, take, and use of stored water? On re consenting, is it appropriate to consider the damming and subsequent discharge of water separately to the take and use of the stored water?
- 12 If it is established that there is an identified risk of imminent dam failure in the absence of capital investment, is a long term permit required to secure capital to address that risk?
- 13 What other difficulties might arise for the management of dams if 6 year permits are granted?
- 14 If reservoirs are a water body for the purposes of Objective 2.1 of the National Policy Statement for Freshwater Management 2020, should PC7 anticipate that permits to dam water may not be renewed at all after the new land and water regional plan is made operative?

Legal issues for determination

- 15 Are reservoirs created by the exercise of damming permits a water body for the purposes of the Objective 2.1 of the National Policy Statement for Freshwater Management 2020?
- 16 Should deemed permits to dam and discharge water be excluded from the operation of PC7?

Proposal for further evidence

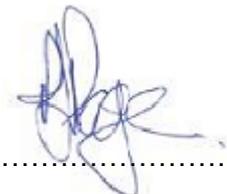
- 17 Counsel propose that Mr Curran provide a supplementary statement of evidence addressing the following matters:
- (a) The identification of the dams subject to the relief sought by OWRUG and Falls Dam Company Limited; and
 - (b) The bundle of deemed and RMA permits associated with those dams.
- 18 Counsel propose that Mr Sheehan provide a supplementary statement of evidence setting out the following matters:
- (a) The potential impact classification of the identified dams under the NZ SOLD Dam Safety Guidelines; and
 - (b) Confirmation of whether the classification of the identified dams under the NZ SOLD Dam Safety Guidelines relates to the structure itself or the downstream receiving environment, or both.

Dated this 21st day of May 2021



.....
P A C Maw / M A Mehlhopt

Counsel for Otago Regional Council



.....
P J Page

Counsel for OWRUG and
Falls Dam Company Limited

Appendix 1

**Attachment 1 to JWS expert conferencing
4-6 May 2021**

**Regional Plan:
Water for Otago**

**Proposed Plan Change 7
(Water Permits)**

**DRAFT AMENDMENTS
AS AT 6 MAY 2021 BASED ON MATTERS
DISCUSSED BY ALL EXPERT WITNESSES
IN THE PLANNING CONFERENCING
(Showing amendments to 14 March 2021 version)**

AMENDMENTS SUGGESTED BY M CURRAN MARKED IN BLUE

NOTE FOR THE READER

How the proposed amendments are shown and the scope for them is referenced

This version of proposed Plan Change 7 comprises a consolidation of:

- the amendments to the provisions proposed by Tom de Pelsemaeker in his Evidence in Chief dated 7 December 2020, his Evidence in Reply dated 19 February 2021 and Supplementary Statement of Evidence dated 14 March 2021.
- Draft amendments based on matters discussed by all expert witnesses in the planning conferencing.
- Suggested amendments to Schedule 10A.4 drafted in accordance with paragraphs [24] and [25] of the planning JWS for further discussion between technical experts.

GREYED OUT TEXT

All text amended in the conferencing of the 4-6 May 2021.

All new text proposed based on matters discussed by all expert witnesses in the Planning JWS is shown underlined.

All text proposed to be omitted based on matters discussed by all expert witnesses in the Planning JWS is shown in ~~striketrough~~.

Where “minor amendment” is noted, the amendment is made pursuant to Clause 16 of the First Schedule to the Resource Management Act 1991 to improve the clarity of expression or the consistency of language used but where the substance of the provision is not altered.

All new text drafted in accordance with the recommendations of the planning JWS for further discussion between technical experts is shown in **red underlining**.

All text suggested to be omitted in accordance the recommendations of the planning JWS for further discussion between technical experts is shown in **red striketrough**.

Where additional “minor amendments” are suggested for further discussion between technical experts to improve the clarity of expression or the consistency of language used but where the substance of the provision is not altered, the amendment is shown in **bold red underlining** or **striketrough**.

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 (**excluding deemed permits which authorise the damming of water and associated discharge of water**), 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 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 5, 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

Draft

10A

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



10A.1 Objective

Version A

- 10A.1.1** ~~To provide for an efficient and timely transition toward the long-term sustainable management of freshwater in the Otago region under a new land and water plan by establishing an interim planning framework to manage~~
- ~~(a) water permits for~~ takes and uses of freshwater not previously authorised by a water permit,
 - ~~(b) the replacement of deemed permits~~ (excluding deemed permits which authorise the damming of water and associated discharge of water),
and
 - ~~(c) the replacement of~~ water permits for takes and uses of freshwater where those water permits expire prior to 31 December 2025,
including by enabling existing activities to be maintained for the interim period
~~until a new land and water regional plan is made operative.~~

Version B

- 10A.1.1** ~~Transition toward the long-term sustainable management of freshwater in the Otago region~~ To provide for an efficient and timely transition to a new land and water plan by establishing an interim planning framework to manage
- ~~(a) water permits for~~ takes and uses of freshwater not previously authorised by a water permit,
 - ~~(b) the replacement of deemed permits~~ (excluding deemed permits which authorise the damming of water and associated discharge of water),
and
 - ~~(c) the replacement of~~ water permits for takes and uses of freshwater where those water permits expire prior to 31 December 2025,
by enabling existing activities to be maintained for the interim period while not compromising the ability of the new land and water plan to give effect to the NPS-FM 2020.
~~until a 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 (excluding deemed permits which authorise the damming of water and associated discharge of water), or water permits for takes and uses of 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

2 Proposed Plan Change 7 (Water Permits)
to the Regional Plan: Water for Otago with amendments based on matters discussed by all expert witnesses in the Planning JWS)

- (b) There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and
- (c) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and
- (d) For takes other than community water supplies:
 - (i) There is no increase in the actual~~historical~~ instantaneous rate of abstraction; and
 - ~~(d) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and~~
 - (e) (ii) There is no increase in any actual~~historical~~ volume of water taken.

10A.2.2 Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and/or uses of freshwater, where this activity was not previously authorised by a deemed permit or water permit, for a duration of no more than six years.

10A.2.3 Irrespective of any other policies in this Plan concerning consent duration, avoid granting resource consents that replace deemed permits (excluding deemed permits which authorise the damming of water and associated discharge of water), or resource consents that replace water permits to take and/or 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 more than six years:

10A.3 Rules

Note 1: If the application is for a resource consent for the taking and use of water and the activity was not previously authorised by an existing deemed permit or expiring water permit, refer to the rules in Chapter 12 of this Plan.

Note 2: Where, under Rule 10A.3.1.1, any of entry conditions (iii), (iv) and (vi) do not apply to an activity for which resource consent is sought, that condition is deemed to be met.

Note 3: If an application is for the damming of water or the discharge of water associated with damming previously authorised by an existing deemed permit, refer to the Rules in Chapter 12 of this plan.

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 the maximum area irrigated in the period 1 September 2017 to 18 March 2020, if the abstracted water is used for irrigation, and
- (iv) Except where (vii) applies, the rate of take shall be no more than the rate of take limit recorded during the ~~period 1 July 2015—30 June 2020~~ and water years (1 July to 30 June) for which water meter data is available up until 30 June 2020, as 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) on the expiring deemed permit or water permit is included in the application for resource consent; and

- (vi) Except where (vii) applies, the volume of water taken shall be no more than the daily volume limit, and monthly volume limit, and annual volume limit (whichever one or more are applicable) recorded during the ~~period 1 July 2015 – 30 June 2020~~ and water years (1 July to 30 June) for which water meter data is available up until 30 June 2020, as calculated in accordance with the method in Schedule 10A.4; and
- (vii) For deemed permits or water permits where metering is not required by condition of resource consent or by the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010, the rate of take and the volume of water sought is no more than the existing consented instantaneous rate of take and volumes.

The Council reserves control over the following matters:

- (a) In accordance with historical use and existing water permit conditions, the volume and rate of water taken, dammed, discharged or diverted; and
- (b) Any existing consent conditions concerning operating procedures administered through a water allocation committee that exists for the catchment; and
- (c) Any other conditions on the expiring permit to be replaced, where those matters are not otherwise addressed by the entry conditions of this rule or matters of control; and
- (d) Review conditions; and
- (e) Compliance monitoring; and
- (f) 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.

10A.3.1A Restricted discretionary activity: Resource consent required

10A.3.1A.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 **restricted discretionary** activity providing the following conditions are met:

- (a) The activity meets conditions (i), (ii), (iii), (v) and (vii) of Rule 10A.3.1.1 but does not meet conditions (iv) and/or (vi); and
- (b) A water meter for the take has been installed, or an exemption under the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010 from water metering has been granted~~The activity has been carried out in accordance with any requirements under the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010 and any conditions of the current water permit with respect to water metering (whichever one applies); and.~~
- ~~(c) A complete set of water metering data needed to carry out the assessment under Schedule 10A.4 is not available and it is demonstrated in the application that the missing data is the result of a technical issue and that all reasonably practicable steps have been taken to resolve the technical issue.~~

The Council will restrict its discretion to the following matters:

- ~~(a) In accordance with Within the limits of historical use, as established through consideration of water meter data and other relevant methods and data, and existing water permit conditions, the volume and rate of water taken, dammed, discharged or diverted; and~~
- (a) (i) whether the water meter data in combination with other relevant methods and data as agreed with Council accurately represents historical use; and
(ii) whether the rate and volume taken, dammed, discharged or diverted is in accordance with the historical rate of take and volume and within existing water permit conditions.
- (aa) For community water supplies, within existing water permit volume and rate limits, the extent to which there is a need to provide for population growth within the term of the consent; and

DEEMED WATER PERMITS & REPLACEMENT WATER
PERMITS

- (b) Any existing consent conditions concerning operating procedures administered through a water allocation committee that exists for the catchment; and
- (c) Any other conditions on the expiring permit to be replaced, where those matters are not otherwise addressed by the entry conditions of this rule or matters of discretion; and
- (d) Review conditions; and
- (e) Compliance monitoring; and
- (f) 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.

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/or 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/or 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

- (i) Rule 10A.3.1.1; or
- (ii) Rule 10A.3.1A.1

is a *non - complying* activity.

10.3A. Definition

Valid permit In the context of Chapter 10A, means a resource consent or deemed permit that

- 1) has not expired; or
- 2) has expired but where the consent holder can still exercise the permit under s124 of the RMA; or
- 3) has not been surrendered under s138 of the RMA; or
- 4) has not been cancelled under s126 of the RMA; or
- 5) has not lapsed under s125 of the RMA.

Community water supply Means a water supply for the primary purpose of supplying drinking water to communities, that may also be used for industrial and business uses, and is for the purpose of enabling territorial authorities to meet their responsibilities for the supply of drinking water under the Health Act 1956 and the Local Government Act 2002. A community water supply serves 25 or more people for at least 60 days a year.

10A.4 Schedule: Methodology for calculating assessed actual usage for surface-water and connected groundwater takes

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 Maximum rate taken in all water years (1 July to 30 June) for which water meter data is available, ~~analysed~~ using the following method.

~~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 water years (1 July to 30 June) will be analysed to determine the maximum instantaneous rate at which water was taken at any time during that year. The maximum instantaneous rate at which water was taken in each water 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) If any remaining measurement (including those from step 3) deviates from the general pattern of taking, it shall be rounded down to the maximum of the typical data record across the full data record. The methodology for undertaking this step is set out below:
 - (a) Order the rate of take data by size (descending order).
 - (b) Calculate D, where D is the number of complete water years covered by the record being considered.
 - (c) Calculate N (where N is the number of measurements) = 18+(6×D).
 - (d) Find the highest value.
 - (e) Calculate the number of other data points which are within the margin of error of that point.
 - (f) Repeat steps d) and e) until you find the first point which has N data points within the margin of error (+ and -) of that point.
 - (g) This number is your maximum typical rate of take.

Except that Steps 4 (a) to (g) above does not apply to applications for community water supplies or where the only primary purpose is for

~~hydroelectricity generation. 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 by more than the margin of error, 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% for piped takes or 10% for water taken by any other method, including by any open channel or a partially full pipe.
- (6) 'Rate of Take Limit' (litres per second – l/s) will be determined as the maximum remaining value after steps (1) to (5) have been completed. The maximum instantaneous rate at which water was taken in each water year will be summed across the water years analysed and divided by the number of water years analysed.

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

The 'Daily Volume Limit' shall be determined by calculating the Maximum 'Daily Volume' taken in all water years (1 July to 30 June) for which water meter data is available, using the following method.

~~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 water years analysed and divided by the number of water years analysed.~~

Methodology

- (1) Where a consent being replaced does not include a 'Daily Volume Limit', the Authorised Daily Volume will be calculated based on the following formula:
$$\text{Authorised Daily Volume m}^3 = ((\text{Consented Rate of Take l/s}) \times 86,400)/1,000$$
- (2) Any measurement that is at, or below, 0 m³ will be removed.
- (3) Any day that exceeds the Authorised 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 Daily Volume by more than the margin of error of the water meter will be removed from the data and not considered further.~~

(4) If any remaining measurement (including those from step 3) deviates from the general pattern of taking, it shall be rounded down to the maximum of the typical data record across the full data record. The methodology for undertaking this step is set out below:

- (a) Order the Daily Volume data by size (descending order).
- (b) Calculate D, where D is the number of complete water years covered by the record being considered.
- (c) Calculate N (where N is the number of measurements) = 1+D.
- (d) Find the highest value.
- (e) Calculate the number of other data points which are within the margin of error of that point.
- (f) Repeat steps d) and e) until you find the first point which has N data points within the margin of error (+ and -) of that point.
- (g) This number is your maximum typical Daily Volume.
- (h) Round any remaining daily volumes above the Maximum Typical Daily Volume, down to the Maximum Typical Daily Volume

Except that Steps 4 (a) to (h) above do not apply to applications for community water supplies or where the only primary purpose is for hydroelectricity generation.

- (5) The margin of error to be applied to any calculation will be either 5% for piped takes or 10% for water taken by any other method, including by any open channel or a partially full pipe.
- (6) ~~The 'Daily Volume Limit' will be determined as the maximum remaining value after steps (1) to (5) above have been completed. The maximum 'Daily Volume' taken in each water year will be summed across the water years analysed and divided by the number of hydrological water years analysed.~~

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

The 'Monthly Volume Limit' shall be determined by calculating the Maximum 'Monthly Volume' taken in all water years (1 July to 30 June) for which water meter data is available, using the following method.

~~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 water years analysed and divided by the number of water 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;

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

- (2) Actual Monthly volumes will be calculated based on the sum of the Daily Volumes taken in each calendar month. For the purposes of this calculation Daily Volumes will be filtered using the same steps (2) – (5) in the Methodology set out in 10A.4.2 used whenfor calculating the Maximum Daily Volume Limit.
- ~~(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.~~
- ~~(6) The margin of error to be applied to any calculation will be either 5% for piped takes or 10% for water taken by any other method, including by any open channel or a partially full pipe.~~
- ~~(7) The 'Monthly Volume Limit' will be determined as the maximum remaining value after steps (1) to (3) above have been completed. The maximum 'Daily Volume' taken in each water year will be summed across the water years analysed and divided by the number of hydrological water years analysed.~~

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

~~The 'Annual Volume Limit' shall be determined by calculating the Maximum 'Annual Volume' taken in all water years (1 July to 30 June) for which water meter data is available, using the following method. The 'Annual Volume Limit' shall be determined by calculating the maximum volume taken in any water year analysed.~~

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 formulae. The formula used will be whichever one produces the lower calculated Annual Volume Limit;

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

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

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 Daily Volumes taken in each water year. For the purposes of this calculation Daily Volumes will be filtered using ~~the same~~ steps (2) – (5) in the Methodology set out in 10A.4.2 used when for calculating the ~~Maximum~~ Daily Volume Limit.
- (3) Any year that exceeds the authorised or calculated volume is rounded down to the authorised volume.
- ~~(4) The 'Annual Volume Limit' will be determined as the maximum remaining value after steps (1) to (3) above have been completed. actual highest volume taken in any water year analysed will be the Annual Volume Limit.~~

Table of minor and consequential changes

Plan Provision	Detail of proposed change			
Page numbers	Update page numbers.			
Footers	Change footer to read “Regional Plan: Water for Otago (Updated to <date to be inserted>)”.			
Title page	Change the date to read “Updated to <date to be inserted>”.			
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
	Plan Change 7 (Water Permits) to the Regional Plan: Water	<Date to be inserted>	<Date to be inserted>	<Date to be inserted>
Section 1.4	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			