

# What is a waterway

## Why is it important to understand definitions relating to rivers?

By definition, most of us think of rivers as being large like the Tukituki, Ngaruroro or Mohaka; distinct from smaller waterways like streams and creeks. However, the RMA definition of a river also includes smaller waterways like creeks and even intermittently flowing rivers (ephemeral streams). In some places, rivers may have been channelled through pipes and drains, and may have been modified by being straightened.

The guidance in this document will help you identify rivers and other features which convey water on your property, and in turn, help you understand what you need to do under the Resource Management Act 1991 (RMA), the National Environmental Standards for Freshwater 2020, the Resource Management Stock Exclusion Regulations 2020 and any Regional Plans.

Knowing when a watercourse is and isn't a river is important in order to understand when you might need to apply for a resource consent due to rules such as those under the National Environmental Standards for Freshwater 2020 for activities in, on, near, over or under the beds of rivers and for certain discharges where these may enter freshwater.

It's equally important to understand the definition of a 'wide river' (see page 4). This is because the Resource Management Stock Exclusion Regulations 2020 apply to wide rivers. These regulations set out when, where and how you need to protect wide rivers from stock access.

## The checklist below sets out the factors that will aid in identifying a waterway:

- Does it convey flowing freshwater either continually (flows all of the time) or intermittently (flows sometimes)?
- Is the source of the water from a natural catchment such as hills or mountains?
- Is it fed from a spring, snow melt, rain, or other natural sources?
- Does it have a defined 'bed' or pathway?
- Does it have a bed that is predominantly unvegetated and comprises silt, gravel, boulders or similar material?
- Does it support aquatic life, like fish or invertebrates?
- Does it have a name, or does it go by a local name (noting that some modified local rivers may often have the name 'drain')?
- Does it appear on topographical maps?
- Are there structures or bridges over it?

*If you ticked one or more of these then the watercourse is most likely a river, but if in doubt please contact us on 06 835 9200 before undertaking any works that may affect the site.*

# How to identify a river

**The Regional Plans and the National Environmental Standards for Freshwater 2020 contain rules, for activities in, on, near, over or under the beds of rivers and for certain discharges where these may enter freshwater, which means you may need to apply for a resource consent.**

## **The RMA defines a river as:**

“...a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).”

## **The RMA defines the bed of a river as:**

“...the space of land which the waters of the river cover at its fullest flow without overtopping its banks”.

Sometimes it can be difficult to determine where the land ‘stops’ and a river ‘begins’.

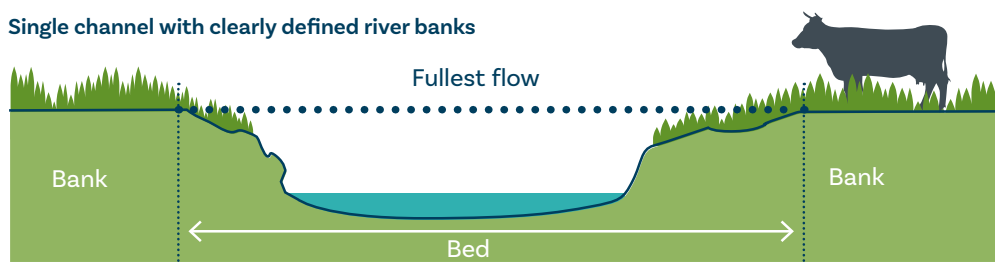
It can also be difficult to determine circumstances or locations where freshwater would intermittently flow, or when a body of flowing water is a drain or water race and not a river.

The most important step in determining the RMA ‘bed’ is to first identify the relevant ‘banks’. These are the banks which contain the land “covered by water during the ordinary rainy season”, but which “exclude flows or inundations arising from major storms”.

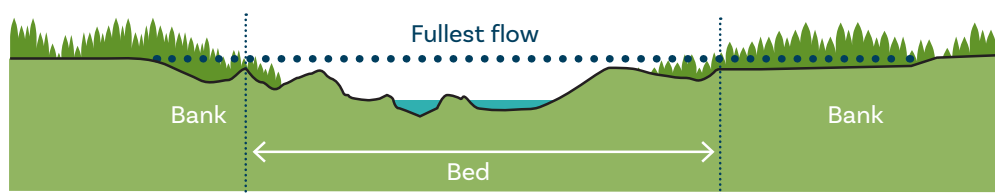
When determining the banks of a waterway, a reasonable visual observation and a consideration of the river’s natural character and the riverine qualities of the river bed is recommended.

## **Examples of the bed of a river:**

Single channel with clearly defined river banks



River with no stop banks



River with stop banks



**The following are all considered to be waterways**



Large rivers



Small intermittent streams are considered to be rivers



Small rivers and streams



Modified or straightened rivers - which have a natural catchment



## How to identify a wide river under the Stock exclusion regulations

The Stock Exclusion Regulations apply to wide rivers. If you own or control stock on land containing a wide river, you will need to prevent stock from accessing the river in accordance with the regulations.

### **A wide river is defined as:**

“...a river (as defined in the Act) with a bed that is wider than 1 metre anywhere in a land parcel.”

### **The bed of a wide river is defined as:**

“...the space of land which the waters of the river cover at its fullest flow without overtopping its banks” (see diagrams on page 2).

If the width of the bed is 1 metre or wider anywhere on a land parcel, then the river is a wide river. If this is the case, the stock exclusion regulations apply to the entire length of the river within the land parcel. Your Record of Title will include a survey plan, and a land parcel is the surveyed area of land illustrated on the survey plan.

### **More information**

If you need assistance to identify a river, wide river, or determining which rules apply, we're here to help, phone 06 835 9200.

[hbrc.govt.nz](http://hbrc.govt.nz)

## In the Tukituki Catchment?

There are some rules in the Tukituki Catchment which go beyond what is required by the national regulations.

Please read the Tukituki Catchment Stock Exclusion Guidance together with this booklet, to determine which regulations apply to your particular circumstances.

[hbrc.govt.nz/assets/Document-Library/Tukituki/Tukituki-Catchment-Stock-Exclusion-Guidance.pdf](http://hbrc.govt.nz/assets/Document-Library/Tukituki/Tukituki-Catchment-Stock-Exclusion-Guidance.pdf)