

# appendix 25 river mouths & landward boundary of coastal marine area

## **AP25**      **overview**

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**AP25.i**      This appendix contains an imaged copy of the agreement under Section 2 of the Resource Management Act 1991 between the Nelson City Council and the Minister of Conservation regarding the definition of river mouths and the landward boundary of the coastal marine area.

**AP25.ii**      The aerial photographs contained within this appendix are extracts from the A3 photographs that form part of the agreement.

## **AGREEMENT FOR DEFINITION OF RIVER MOUTHS & LANDWARD BOUNDARY OF COASTAL MARINE AREA**

THIS AGREEMENT is made the 5<sup>th</sup> day of October 1996 pursuant to Section 2 of the Resource Management Act 1991

BETWEEN SIMON UPTON Minister of Conservation (hereinafter called the "Minister") of the first part

AND NELSON CITY COUNCIL (hereinafter called the "Council")

### WHEREAS

- A. Section 2 of the Resource Management Act 1991 ("the Act") provides that 'mouth' for the purpose of defining the landward boundary of the coastal marine area means either:
- i) the mouth of the river as agreed and set between the Minister, the Council and the Territorial Authority in the period between consultation on and notification of the proposed regional coastal plan
  - or
  - ii) the mouth of the river as declared by the Planning Tribunal upon application made by the Minister, the Council or the Territorial Authority prior to the plan becoming operative.
- B. Any river mouth once so agreed and set shall not be changed in accordance with the First Schedule of the Act or otherwise varied, altered, questioned or reviewed in any way until the next review of the regional coastal plan unless the Minister, the Council and the Territorial Authority agree.
- C. Section 2 of the Act provides that the landward boundary of the coastal marine area where the MHWS line crosses any river shall be the lesser of:
- i) 1 kilometre upstream from the mouth of the river; or
  - ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.
- D. The Minister and the Council have agreed upon what shall be the mouth of rivers within the Council's district for the purpose of Section 2.



PURSUANT to Section 2 of the Resource Management Act 1991 the Minister and the Council AGREE AND SET the "mouth" of each river within the Council boundaries as follows:

- "a. For each river identified in Schedule 1, the 'mouth' shall be a straight line drawn from bank to bank through the grid reference relating to that river at right angles to the river flow at the grid reference. The grid reference for each river is the point taken in the middle of the main river channel and is shown on the air photos in Schedule 3."
- "b. For rivers not identified in Schedule 1, the 'mouth' shall be a straight line representing a continuation of the mean high water springs on each side of the river in accordance with the diagram in Schedule 2."


"Note: 1. The coastal marine area landward boundary ("CMA landward boundary") referred to in Schedule 1 and shown on the air photos in Schedule 3 is included for reference purposes only and does not form part of this agreement.

IN WITNESS WHEREOF the parties have executed this agreement of the date first mentioned.

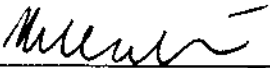

SIGNED by DEPUTY DIRECTOR GENERAL )  
OF CONSERVATION ACTING for and on )  
behalf of the MINISTER OF CONSERVATION )  
pursuant to S.54 and S.58 of the Conservation Act )  
in the presence of: )

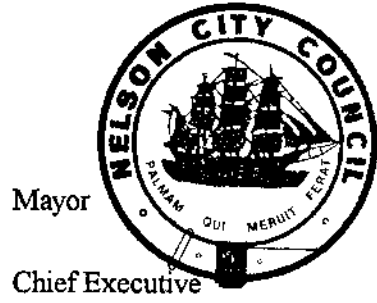


  
\_\_\_\_\_  
L. D. TEVH

  
\_\_\_\_\_  
Solicitor, Wellington

The Common Seal of the NELSON CITY )  
COUNCIL was affixed in the presence of: )

  
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\_\_\_\_\_

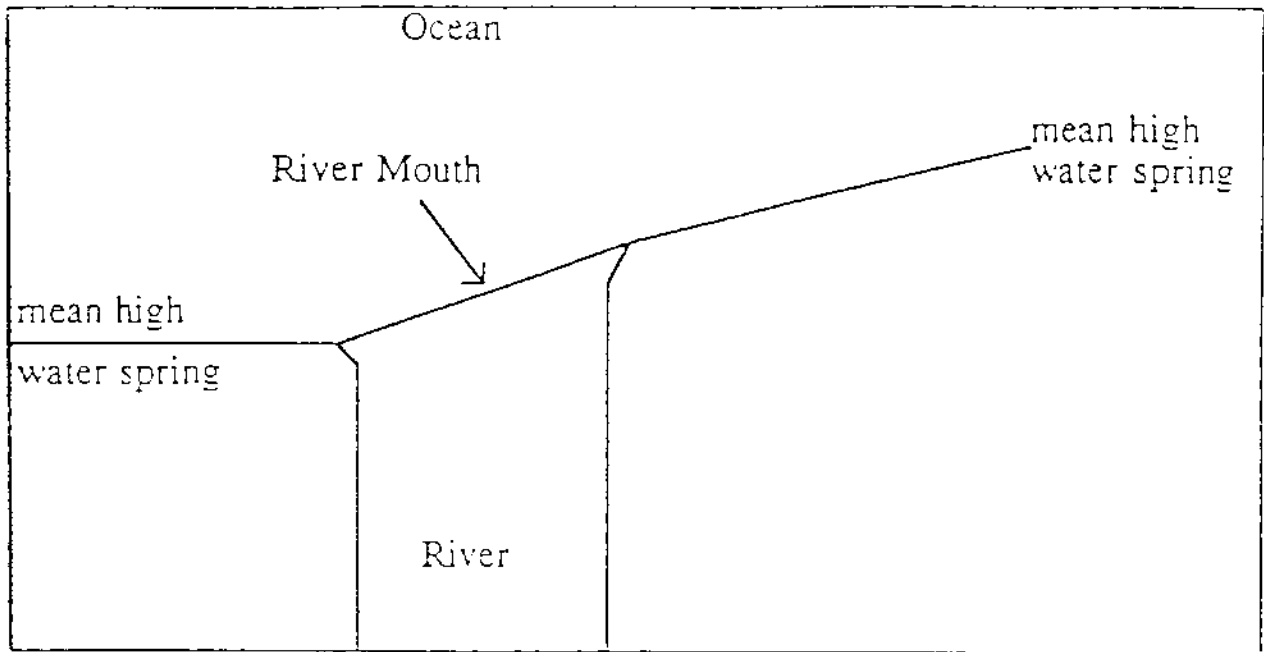


SCHEDULE 1

NAME OF RIVER	MAP GRID REFERENCE RIVER MOUTH	MAP GRID REFERENCE CMA LANDWARD BOUNDARY
Whangamoia River	NZMS 260 026 105558 105555	103558 103555
Wakapuaka River	NZMS 260 027 035457	034457
Oldhams Creek	NZMS 260 027 967367	967367
Maitai River Saltwater Creek	NZMS 260 027 933335 933335	931336 933333
Jenkins Creek	NZMS 260 N27 893287	893288
Arapiki Stream	NZMS 260 N27 893287	893288
Poormans Valley Stream	NZMS 260 N27 892287	892287
Orchard Creek	NZMS 260 N27 892281	882281
Orphanage Creek	NZMS 260 N27 869276	869276
Saxton Creek	NZMS 260 N27 863272	863272

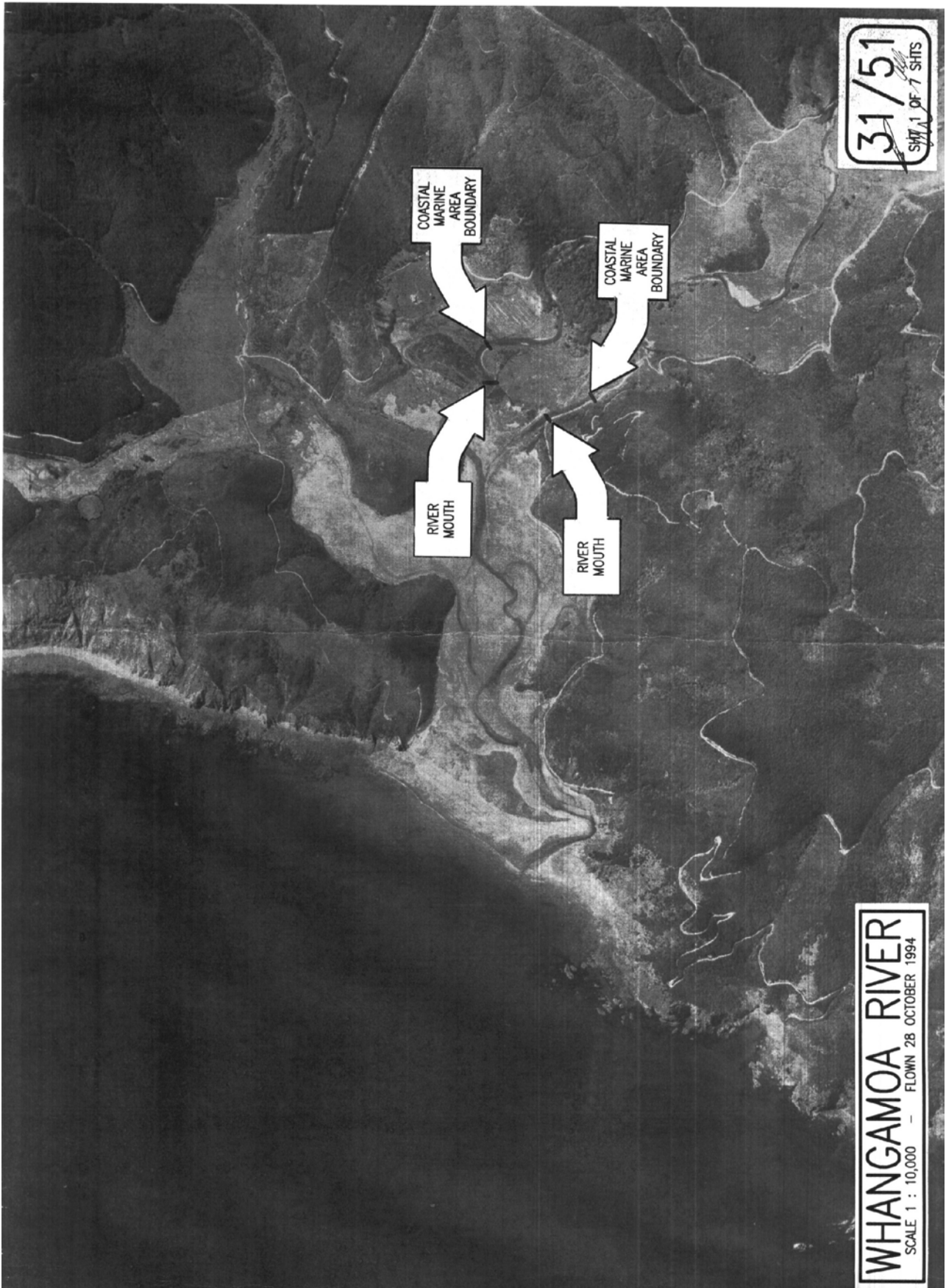
## SCHEDULE 2

The following diagram illustrates how to apply the formula for determining the position of a river mouth for rivers not outlined in Schedule 1.



**SCHEDULE 3**  
**AERIAL PHOTOGRAPHS**  
**DISPLAYING RIVER MOUTH**  
**AND COASTAL MARINE AREA BOUNDARIES**  
**FOR NELSON CITY**

31/51  
SHT 1 OF 7 SHTS



WHANGAMO A RIVER  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

31/51  
SEP 2 OF 7 SHITS

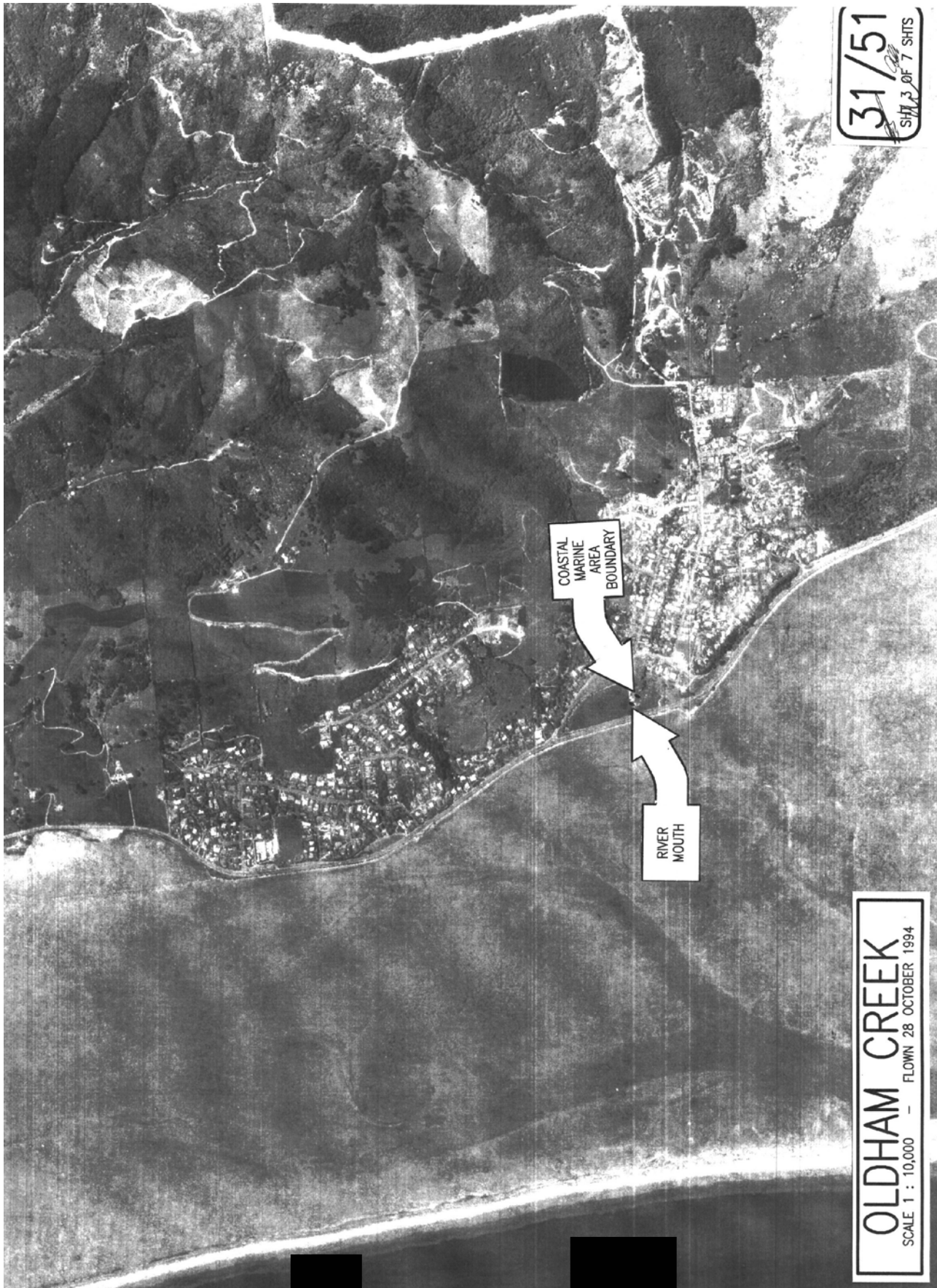
RIVER MOUTH

COASTAL MARINE AREA BOUNDARY

WAKAPUAKA RIVER  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994



31/51  
SHEET 3 OF 7 SHITS



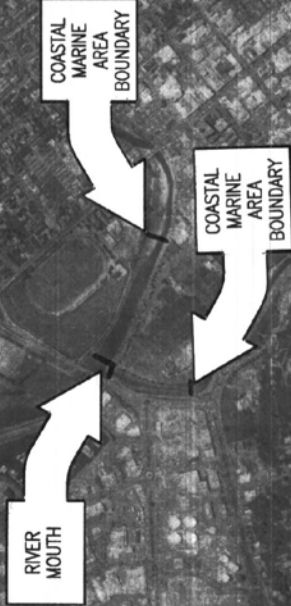
COASTAL  
MARINE  
AREA  
BOUNDARY

RIVER  
MOUTH

OLDHAM CREEK  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

31/51  
Sheet 4 of 7 SHIS

**MAITAI RIVER**  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994



**SALTWATER CREEK**  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

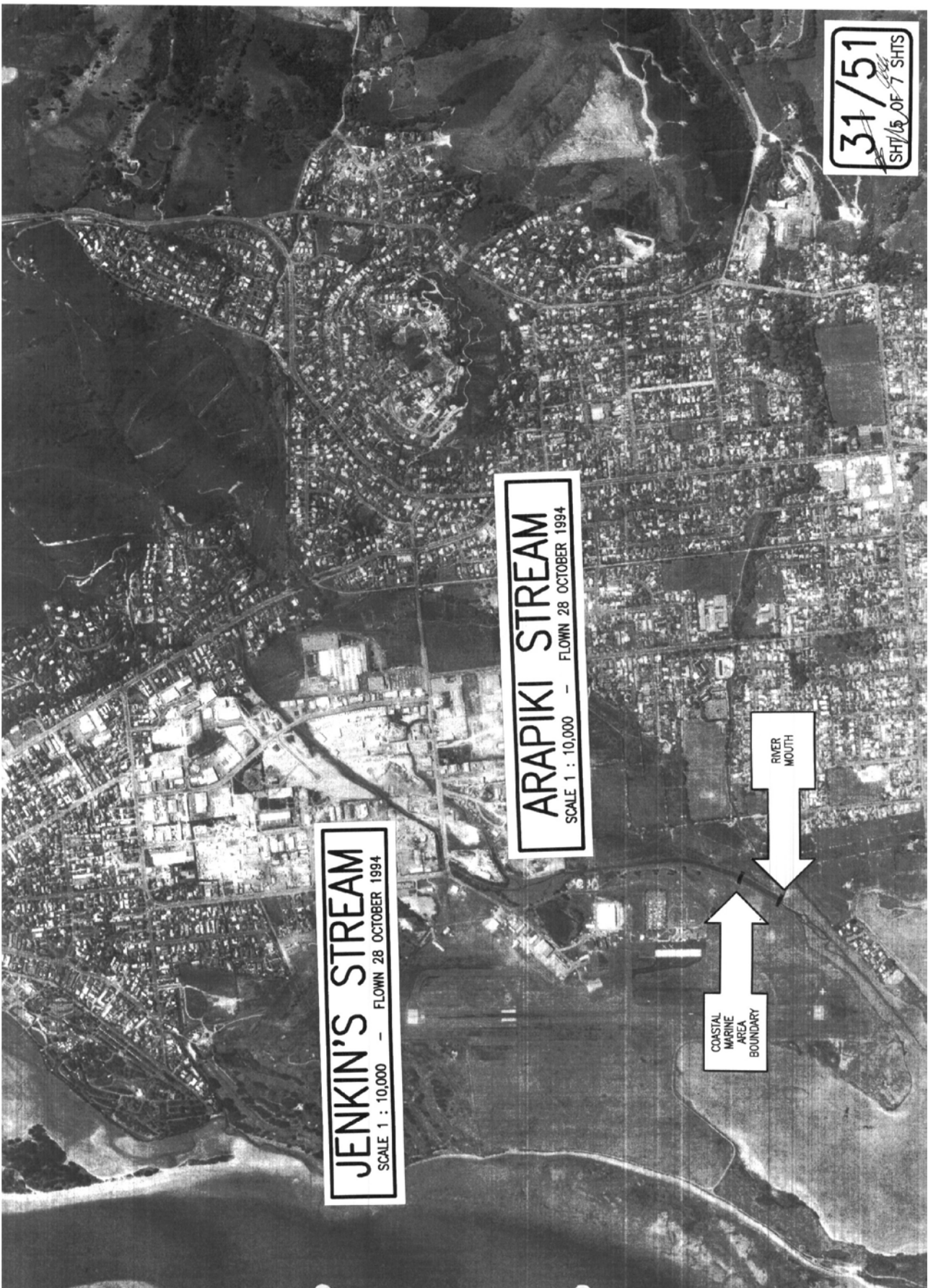
31/51  
SHT/5 OF 7 SHTS

JENKIN'S STREAM  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

ARAPIKI STREAM  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

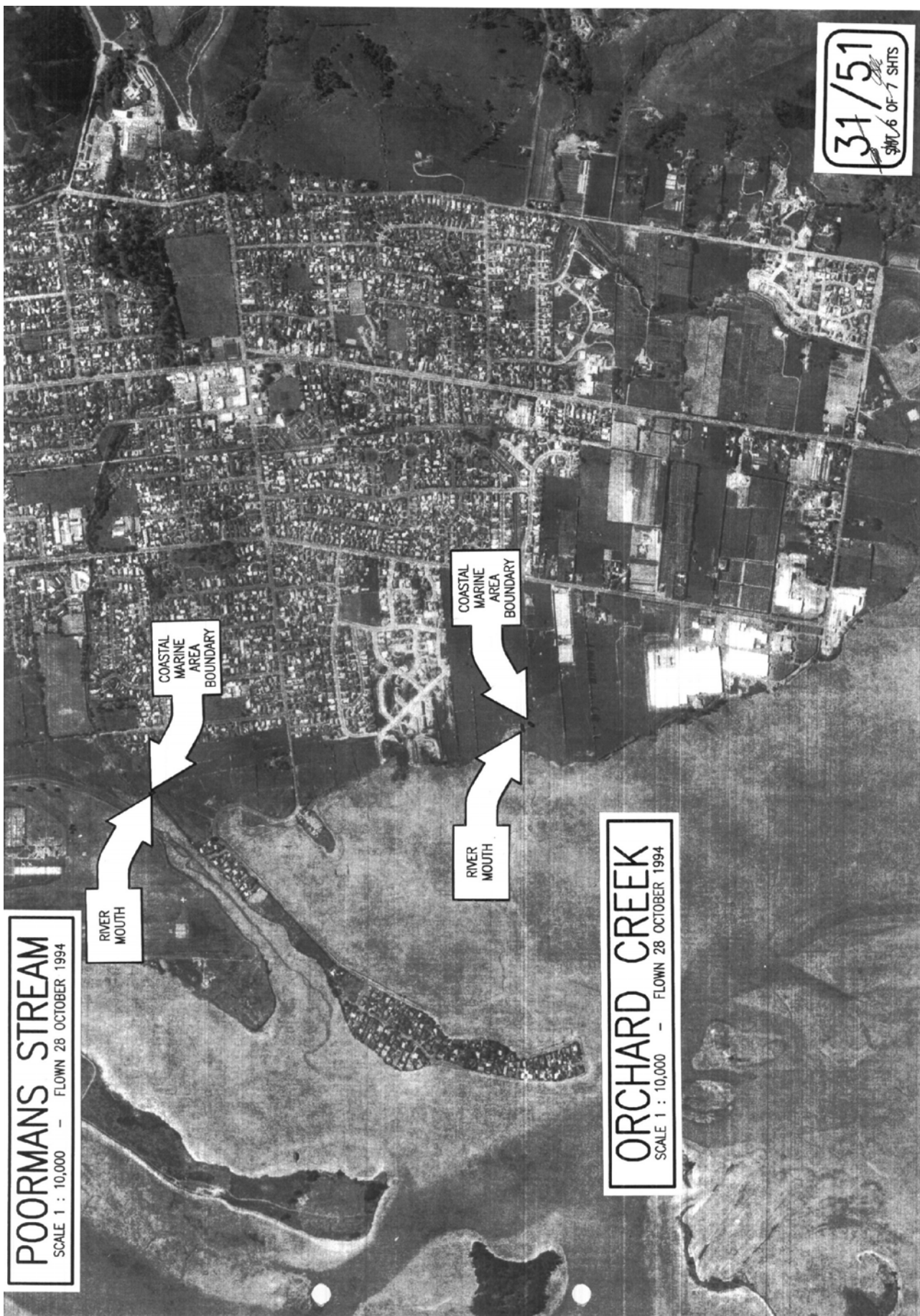
COASTAL MARINE AREA BOUNDARY

RIVER MOUTH





31/51  
SHEET 6 OF 7 SHOTS



**POORMANS STREAM**  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

**ORCHARD CREEK**  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

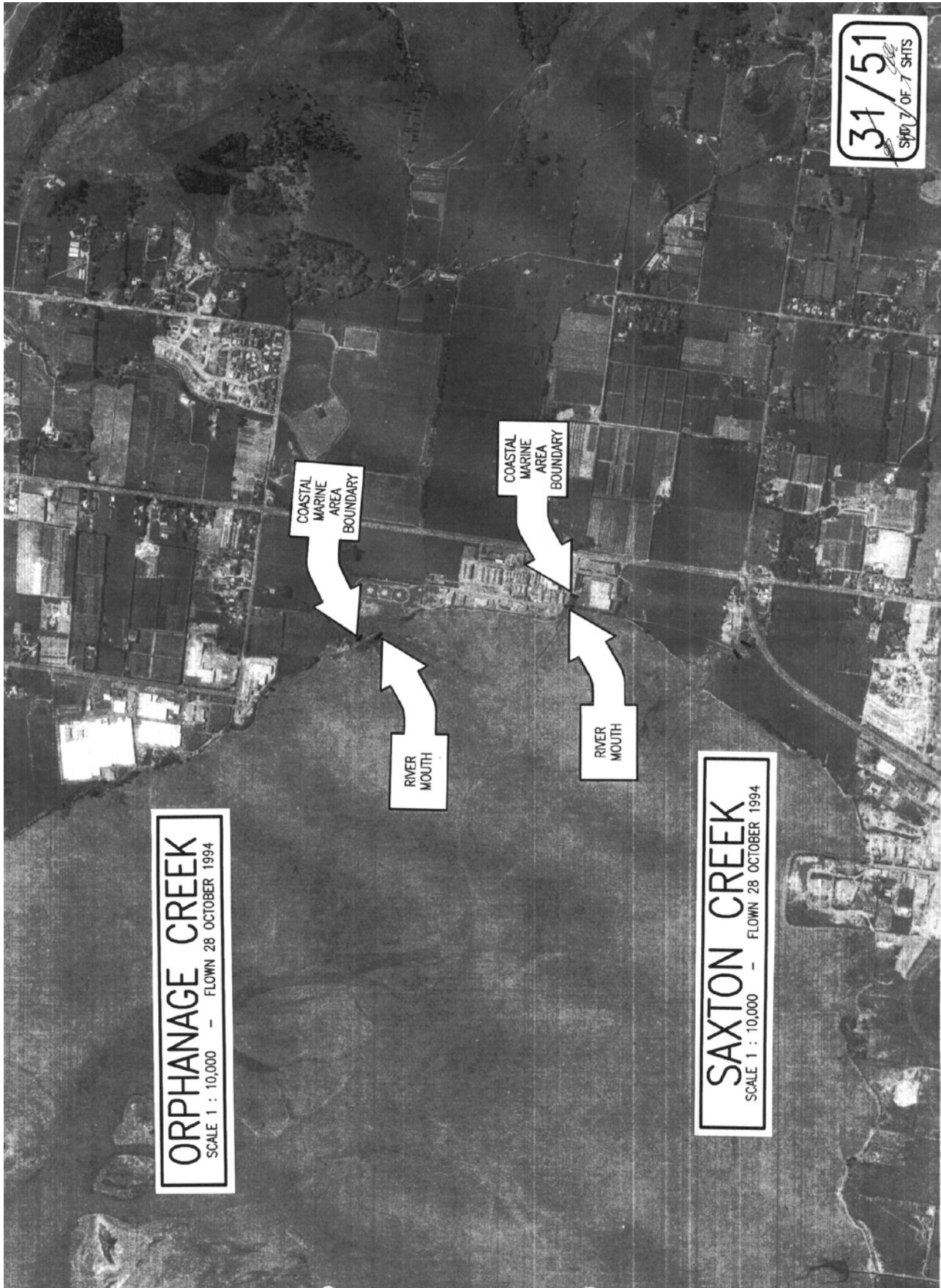
RIVER MOUTH

COASTAL MARINE AREA BOUNDARY

RIVER MOUTH

COASTAL MARINE AREA BOUNDARY

31/51  
SHEET 7 OF 7 SHTS



ORPHANAGE CREEK  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994

SAXTON CREEK  
SCALE 1 : 10,000 - FLOWN 28 OCTOBER 1994