

## What is a River?

**Most waterways in the Tasman District are classified as rivers. This includes the obvious ones such as the Motueka, Buller, Aorere or Waimea, but also our streams, creeks, small headwater tributaries, and even some ‘drains’.**



In the past many waterways have not locally been recognised as ‘rivers’, especially where rivers and streams have been straightened or modified, or the ‘river’ is very small, or has little flowing water.

Some waterways that we would commonly think of as drains, can also be legally considered as rivers.

Working out where land ‘stops’ and a ‘river’ begins, particularly at the top of a catchment, can be the most challenging part of all. Land managers, contractors and rural professionals are all advised to use discretion to make their own decision on where a river ends.

This factsheet will assist by providing definitions, examples and a list of factors to consider when determining what a ‘river’ is.



### How to use this guide

This guide contains the following sections to help you identify the status of a waterway.

1. Legal definition
2. Identify a farm drain
3. What is not a river
4. Identifying a river
5. Why is it so important?
6. Definitions

When visualising a river, most of us think of large rivers like the Motueka River (pictured). However, the legal definition of a river also covers those waterways that are very small.

## 1. Legal Definition

The legal definition of a river comes from the Resource Management Act 1991 (RMA).

*“...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).”*

Tasman District Council often uses the term *waterway* to refer to legal rivers.

## 2. A drain, a ditch or a river?

### How to identify a farm drain

#### Farm drainage

Farm drains are not legally defined as rivers in the RMA. However, there is often no single or easy way to tell them apart from a river or a modified river (see below).

The factors to consider are whether or not the waterway is artificial and constructed, i.e. is it man-made, and whether it starts, and drains water from, predominately flat land. Note also, that drains tend to run in straight lines, and turn at right angles, such as the examples to the right.



Flat areas in the Tasman District are the more likely places where drains may be located.

If you are still uncertain, then you are better to consider it to be a river.

#### Modified and straightened rivers

A river or stream that has been straightened or modified over time will not be considered a drain or a ditch. It will still have natural river characteristics; therefore, its legal status will continue to be designated as a river.

For example, in the photo on the right, the waterway still has a natural catchment and has been identified as having high freshwater natural values. Freshwater mussels have been found, and this species is in decline nationally.



Work to modify and straighten a river requires resource consent before it begins.

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## 3. What is not a river? (as defined by the RMA):

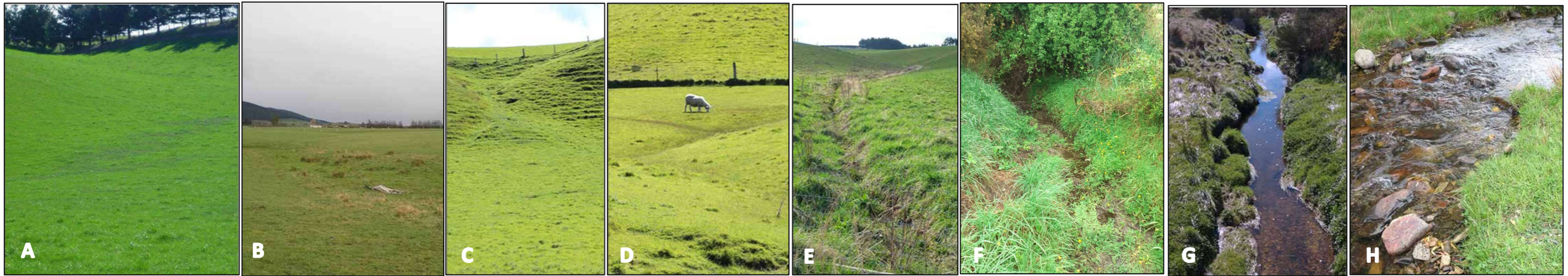
An irrigation canal, water supply race, hydro canals and farm drains (see point 2 above) are not defined as a river.

## 4. Identifying a river

Not a river

???

River



The depressions in examples A, B & C currently show no sign of the factors that determine a river. These damp areas are known as swales. They act as conduits and connections between land and water, collecting and transporting nutrients into waterways. Farm management that reduces nutrient and sediment runoff from swales will help ensure that you comply with water quality rules regarding runoff to rivers.

Examples D and E show how determining where a river begins at the top of a catchment can be challenging. It is up to you to compare and apply the factors below against the site conditions to help decide. If you are uncertain, it is better to consider it as a river.

Examples (F-H) would commonly be referred to as creeks, tributaries, streams, or even drains or ditches. However, the RMA includes all of these under the definition of a "river". Check against the list of factors (below) to see why they are considered rivers.

### One way to figure out if a waterway is a river, is to visualise an entire catchment.

*Think about the river mouth, where the waterway is large and obvious, and then, in your mind's eye, visualise the catchment back through the smaller branches and tributaries.*

*Where the waterway finally converges with a paddock or hillside, is where its identity as a river first begins.*

*Using this approach, you can sketch out the small rivers on your property or farm, and then follow them back to identify where they emerge from a paddock or hillside.*

*Each situation is unique. You will need to use your judgement to decide if the site is a river.*

*Where you are uncertain, you are better to consider it to be a river.*



This checklist covers the factors that Council will consider when making a decision. Checking these factors will help you decide the status of waterways on your property. All factors are considered, but not all factors need to be present to determine if a waterway is a river. In some cases, only one of the factors may be needed.

### Check these factors

Does the water flow all or part of the time?		Does the watercourse have a defined "bed" (i.e. a defined pathway)?	
Is the source of the watercourse from hills/range/mountains etc?		Does the watercourse support aquatic life?	
Is it fed from a spring, snow melt or from rain (received from upper catchment) or other natural sources?		Is the watercourse 'named' or does it go by a local name?	
Is the watercourse in an original natural channel?		Is the watercourse shown on a topographic map?	
Does the topography of the watercourse follow a 'u' shape, meander etc?		Are there historic structures or bridges over the watercourse?	



This stream is legally a river.

## 5. Why is defining what a river is, so important?

There are a number of rules in the Tasman Resource Management Plan (TRMP) and the National Environmental Standards for Freshwater (NES-F) that need to be adhered to that are specific to rivers, river beds and discharges to water.

Tasman District's highly valued galaxiids (small native freshwater fish) are more commonly found in smaller creeks, streams and rivers in the district, which is why it is important to look after rivers. By looking after these, we also help ensure that our bigger rivers have good water quality.

To help make sound farming and environmental decisions, you need to know what waterways on your property are a river, to ensure that the conditions attached to the permitted and prohibited activities in the rules and regulations are met. If permitted conditions can't be met, a resource consent will be required.

### **Work in waterways can involve many different activities such as:**

- Straightening waterways.
- Cleaning and clearing sediment and weeds from waterways.
- Stock accessing waterways.
- Sampling water.
- Any activity causing sedimentation of a waterway.
- Building bridges and culverts.

If you have any questions regarding the status of your work, please contact the resource consenting team [nrdutyplanner@tasman.govt.nz](mailto:nrdutyplanner@tasman.govt.nz).

## 6. Definitions

Freshwater or fresh water <sup>i</sup>	All water except coastal water and geothermal water.
River <sup>i</sup>	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).
Wide River <sup>iii</sup>	A river (as defined in the RMA) with a bed that is wider than 1 metre anywhere in the land parcel.
Bed of a River <sup>i</sup>	The space of land which the waters of the river cover at its fullest flow without overtopping its banks.
Ephemeral Flow <sup>iv</sup>	Temporary flows that exist briefly and immediately only after a period of rainfall or snowmelt.
Drain <sup>ii</sup>	Any artificial watercourse designed, constructed, or used for the drainage of surface or subsurface water, but excludes artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes.
Waterbody <sup>i</sup>	means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located in the coastal marine area.

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i Defined in the [RMA](#)

ii Defined in the [National Planning Standards](#)

iii Defined in the [Stock Exclusion Regulations](#)

iv Defined in the [Essential Freshwater: Stock exclusion factsheet](#)



For further information see our website <http://www.tasman.govt.nz/my-region/tasman-rural-hub/>

If you have any queries, please email us on [ruralinfo@tasman.govt.nz](mailto:ruralinfo@tasman.govt.nz) or Phone us on 03 543 8400.

### Disclaimer

The information in this pamphlet is intended to provide guidance only and is not a substitute for obtaining professional advice. Refer to the Tasman Resource Management Plan and the National Environmental Standards for Freshwater for full details of the rules & regulations that cover rivers.