



What is a river?

Why is it important to understand definitions relating to rivers?

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 (the RMA), the Regional Plan: Water for Otago (the Water Plan), the National Environmental Standards for Freshwater 2020 and the Resource Management Stock Exclusion Regulations 2020.

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.

The Water Plan 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.

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 Regional Water Plan also contains rules that affect water within artificial watercourses like drains, irrigation canals, water races, and hydro canal channels.



Checklist

The checklist below sets out the factors that are considered to aid in identifying a river:

- 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 the water flow in a natural channel?
- Does it meander?
- Does it have a defined 'bed' or pathway?
- 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')?
- Are there structures or bridges over it?

If you ticked one or more of these then the watercourse is probably a river, but if in doubt please contact us on 0800 474 082 before undertaking any works that may affect the site.

How to identify a river

The Regional Water Plan and the National Environmental Standards for Freshwater 2020 contain rules for activities in, on, over or under the beds of rivers and for certain discharges where these may enter freshwater.

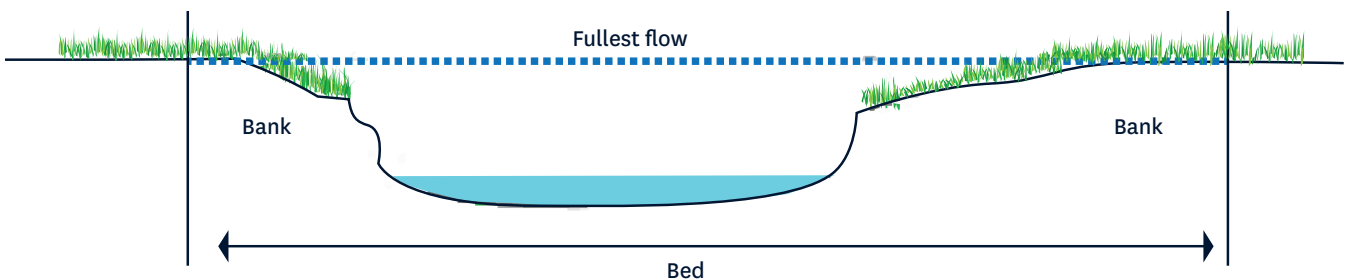
The RMA defines a river as:
“...a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water

for electricity power generation, and farm drainage canal).”

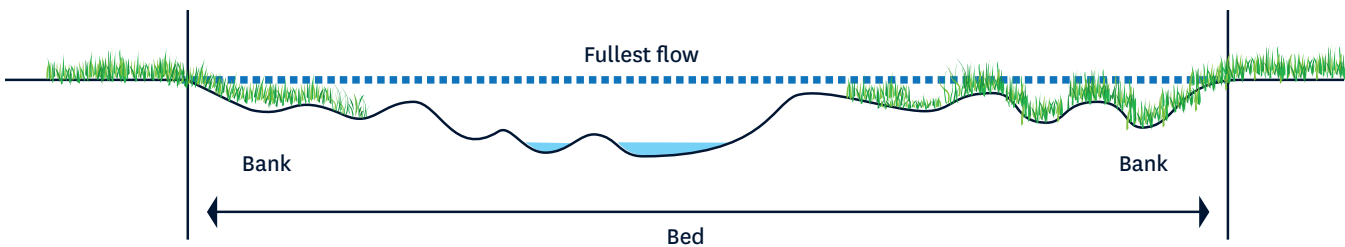
The RMA defines the bed of a river as:
“the space of land which the waters of the river cover at its fullest flow without overtopping its banks”.

Simple examples of the bed of a river:

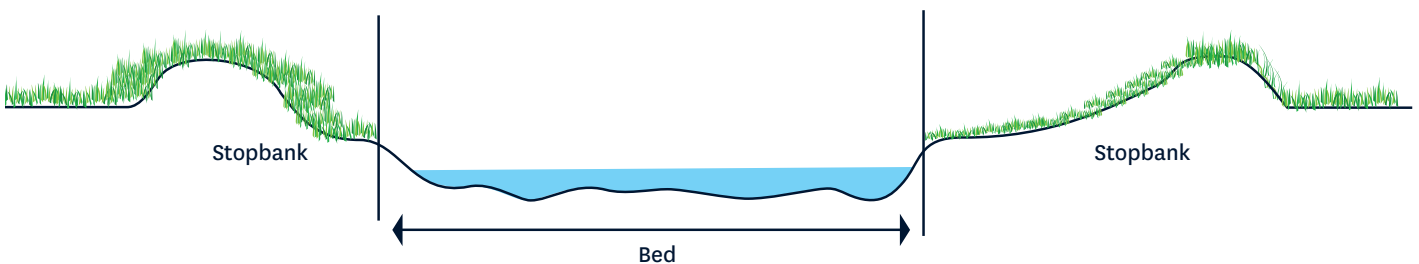
Single channel with clearly defined river banks



River with no stop banks



River with stop banks



Stock banks are not typically part of the river bed. However ORC’s flood protection bylaw 2012 may apply. The construction of any stock bank will require a resource consent from ORC prior to work starting.

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.

When visualising a river most of us think of large rivers like the Clutha Mata-Au. However, the RMA definition of a river above also includes smaller rivers 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 following are all considered to be rivers:



Large rivers such as the Clutha Mata-Au



Modified or straightened rivers – while this may look like a drain, it is a river because although it is modified, it has a natural catchment (Friston Stream)



Small rivers and streams such as the Arrow and its tributaries



Small intermittent streams are considered to be rivers

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 above).

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.

If it isn't a river, what rules and requirements apply?

Knowing what is and isn't a river is important because the Regional Water Plan also contains rules that affect water within artificial watercourses like drains, irrigation canals, water races, and hydro canal channels.

Farm drainage

It is not always easy to tell if artificial waterways, such as farm drains, are deemed to be rivers or modified rivers. The factors to consider are if the waterway is artificial and constructed (i.e. human-made), and if it starts and drains water from predominantly flat land.

Note also that drains tend to run in straight lines and turn at right angles. Areas such as the Clutha Delta, West Taieri, Waitaki Plains or other

similarly flat areas are more likely to have drains.

Critical source areas

Proposed Plan Change 8 to the Regional Water Plan (Omnibus) introduces new requirements for intensive grazing which must avoid critical source areas.

Proposed Plan Change 8 defines a critical source area as:
“A landscape feature such as a gully, swale or depression that accumulates runoff from adjacent slopes, and delivers it to surface water bodies such as rivers and lakes, artificial watercourses and field tiles”.

To find out more about these changes, and the rules that have effect go to orc.govt.nz/WQPCs

Need more information?

If you need assistance to identify a river or wide river, or determining which rules apply, we are here to help. Email our Compliance Team at compliance@orc.govt.nz or call us on **0800 474 082**.

Learn more at
orc.govt.nz

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