



## How to use this guide

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

1. Legal definition
2. How to identify a river
3. What's not a river
4. Identifying farm drains
5. Why is it so important?

## *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).”*

ORC uses the term waterway to refer to legal rivers, Regionally Significant Wetlands and lakes.

# What is a river?



**Most Otago waterways are classified as rivers. This includes the obvious ones such as the Clutha Mata-Au, the Kakanui or the Taieri River, but also our streams, creeks, burns, 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, 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.



When visualising a river, most of us will think of large rivers like the Clutha Mata-Au (pictured above). However, the legal definition of a river also covers those waterways that are very small.



This stream is legally a river.

## Defining what a river is; why is it so important?

There are a number of rules in the Water Plan that need to be adhered to that are specific to rivers, river beds and discharges to water.

Otago's highly valued galaxiids are more commonly found in smaller creeks, streams and rivers in Otago which is why it is important to look after rivers. By looking after these, we also help ensure that our bigger rivers that we enjoy have good water quality.

To help make sound farming and environmental decisions, you need to know what waterways are a river, to ensure that the conditions attached to the permitted and prohibited activities in the Otago Water Plan 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
- Tiling 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.

**Check out the other ORC water quality factsheets to find out about the rules applying to these activities.**

## FARM DRAINS AND RIVERS

### 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 left.

Areas such as the Clutha Delta, West Taieri or other similarly flat areas, are the more likely places where drains will be located.

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



An artificial and constructed drain.



An artificial and constructed drain.



While this may look like a drain, it is a river that has been modified and straightened (Friston Stream).

### Modified and straightened rivers

A river or stream that has been straightened or modified over time will not be considered a drain. 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 left, the waterway still has a natural catchment and its water source is from springs and the surrounding hills.

Named Friston Stream, it is located on a topographical map, as well having other factors that identify it as a river.

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

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

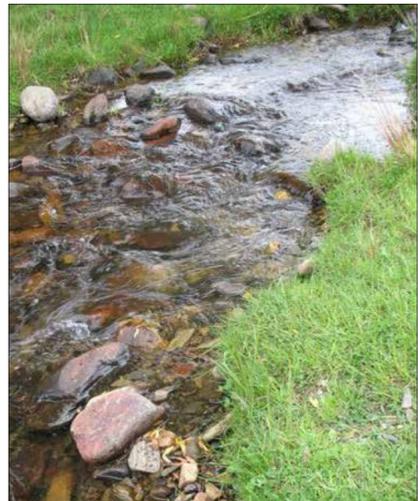
Think about the river mouth, where the waterway is large and obvious, and then, in your mind's eye, visualise the catchment back through the smaller branches and tributaries.

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.



These larger waterways where we commonly fish, go boating, and swim, are obvious examples of rivers.

Examples (C-E) would commonly be referred to as creeks, tributaries, burns, streams, or even drains. 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.

Examples F and G 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 make a decision. If you are uncertain, it is better to consider it as a river.

The depressions in examples H, I and J 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.

## River beds

A river is a continually or intermittently flowing body of water, and the river bed is the land up to the point where water overtops the banks. The RMA and the Otago Water Plan have rules concerning activities in the river, river bed and discharges to water.

See page two of factsheet #5, **Stock Access to Waterways** for more information about riverbeds.

| Determining the status of a waterway                                                                                                                                                                                                                                                                                                                                     | Check these factors                                                                                       |                          |                                                                     |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------|--------------------------|
| <p>This checklist covers the factors that legal authorities will refer to when making a decision.</p> <p>Checking these factors will help you decide the status of waterways on your property.</p> <p>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.</p> | Does the water flow all or part of the time?                                                              | <input type="checkbox"/> | Does the watercourse have a defined "bed" (i.e. a defined pathway)? | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                          | Is the source of the watercourse from hills/range/mountains etc?                                          | <input type="checkbox"/> | Does the watercourse support aquatic life?                          | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                          | Is it fed from a spring, snow melt or from rain (received from upper catchment) or other natural sources? | <input type="checkbox"/> | Is the watercourse 'named' or does it go by a local name?           | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                          | Is the watercourse in an original natural channel?                                                        | <input type="checkbox"/> | Is the watercourse shown on a topographic map?                      | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                          | Does the topography of the watercourse follow a 'u' shape, meander etc?                                   | <input type="checkbox"/> | Are there historic structures or bridges over the watercourse?      | <input type="checkbox"/> |

## Need more information?

The detailed rules can be found in the *Otago Water Plan*. Follow this symbol on our website.



Check out these related guide sheets:

- 2. Sediment in water**
- 3. Effluent management**
- 4. Silage and compost**
- 5. Stock access to waterways**
- 6. Bridges and culverts**
- 7. Working in waterways**
- 9. Resource consents for in-stream works.**

For further information see our website.

You can email us on: [waterqualityrules@orc.govt.nz](mailto:waterqualityrules@orc.govt.nz)

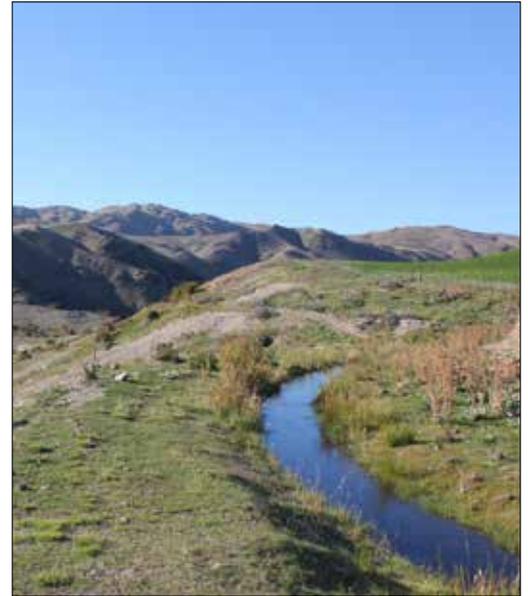
Phone us on

**0800 474 082**

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



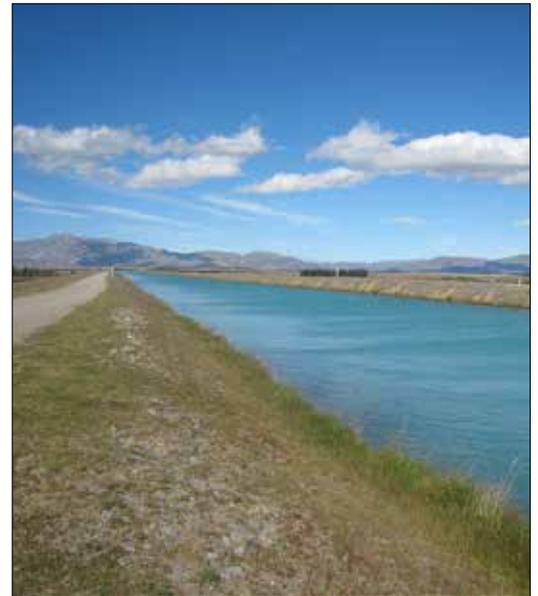
An irrigation canal.



A water supply race.



Farm drainage (more info over page).



Hydro canal.

### Disclaimer

The information in this pamphlet is intended to provide guidance only and is not a substitute for obtaining professional advice. Refer to the Otago Regional Plan: Water for Otago for full details of the water quality rules.



This stream is legally a river.

## Defining what a river is; why is it so important?

There are a number of rules in the Water Plan that need to be adhered to that are specific to rivers, river beds and discharges to water.

Otago's highly valued galaxiids are more commonly found in smaller creeks, streams and rivers in Otago which is why it is important to look after rivers. By looking after these, we also help ensure that our bigger rivers that we enjoy have good water quality.

To help make sound farming and environmental decisions, you need to know what waterways are a river, to ensure that the conditions attached to the permitted and prohibited activities in the Otago Water Plan 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
- Tiling 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.

**Check out the other ORC water quality factsheets to find out about the rules applying to these activities.**