

**AGREEMENT TO DEFINE RIVER MOUTHS AND
RECORD LANDWARD BOUNDARIES OF
COASTAL MARINE AREA**

WHANGAREI DISTRICT

THIS AGREEMENT made the...19th.....day ofDecember.....1994,
pursuant to Section 2 of the Resource Management Act 1991.

BETWEEN DENIS WILLIAM ANSON MARSHALL, Minister of
Conservation (the "Minister")

AND NORTHLAND REGIONAL COUNCIL ("the Regional
Council")

AND WHANGAREI DISTRICT COUNCIL ("the District Council")

RECITES:

A. Section 2 of the Resource Management Act 1991 ("the Act") provides:

"Coastal marine area" means the foreshore, seabed and coastal water, and the air space above the water -

- (a) Of which the seaward boundary is the outer limits of the territorial sea:
- (b) Of which the landward boundary is the line of mean high water springs, except that where the line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
 - (i) One 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.

"Mouth", for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either -

- (a) As agreed and set between the Minister of Conservation, the Regional Council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan..."

or otherwise as provided in the definition of "mouth" in Section 2 of the Act.

B. By this agreement the parties wish to set the mouths of all relevant rivers within the Whangarei District and to record the landward boundary of the coastal marine area where it crosses those rivers.



NOW IT IS HEREBY AGREED pursuant to Section 2 of the Resource Management Act 1991:

1. THE Minister, the Regional Council and the District Council agree and set the mouth of each river within the District Council boundaries as follows:

- (a) For each river identified in Schedule 1:
 - (i) The mouth shall be a straight line from bank to bank at right angles to the river bed at the grid reference relating to that river listed in Schedule 1;
 - (ii) The river mouth shall also be as shown on the maps in Schedule 2. If there shall be any discrepancy between the positions of the river mouths in Schedule 1 and Schedule 2, Schedule 2 shall prevail.
- (b) For rivers not identified in Schedule 1 (by virtue of their small size or lack of an easily identifiable estuarine area) and which enter the sea on the open coast and not through estuaries, inlets or harbours, the mouth shall be a straight line representing the continuation of mean high water springs on each side of the river at the point it enters the sea, as shown in the diagram in Schedule 3.
- (c) For rivers not identified in Schedule 1 (by virtue of their small size) and which enter the sea through estuaries, inlets, or harbours:
 - (i) Where those rivers are shown on the Department of Survey and Land Information New Zealand Map Series 260, the mouth shall be the point at the seaward end of the river where on the applicable map, the river is marked as beginning to widen from a single blue line.
 - (ii) Where those rivers are not shown on the Department of Survey and Land Information New Zealand Map Series 260, the mouth shall be a straight line representing the continuation of the mean high water springs on each side of the river at that point where the width of the river begins to exceed three metres.

2. THE parties record that the landward boundary of the coastal marine area in respect of those rivers referred to in Schedule 1 shall be the landward boundaries described in Schedule 1 and shown in the maps in Schedule 2. In the case of any conflict between Schedule 1 and Schedule 2 in respect of landward boundaries, Schedule 2 shall prevail.

3. WHERE the landward boundary of the coastal marine area in Schedule 1 is described by reference to a physical structure in the river (by way of example, a bridge) the landward boundary shall be on the seaward side of the structure.

4. FOR rivers not identified in Schedule 1:

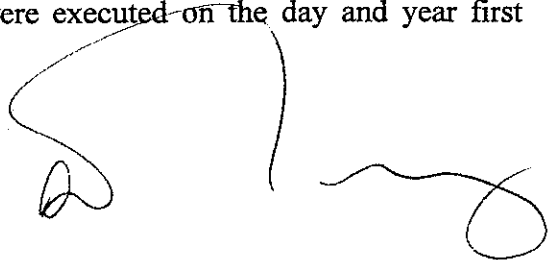
- (i) The landward boundary of the coastal marine area shall be determined in accordance with the provisions of Clause (b) of the definition of "coastal marine area" above;
- (ii) Where it is necessary to fix the width of a river at its mouth, the width shall be fixed by measuring the shortest distance between the banks of the river at mean high water springs.

5. THE position of river mouths as set in Schedule 1 and 2 shall not be altered unless by a change to the Regional Coastal Plan or proposed Regional Coastal Plan in accordance with the First Schedule of the Resource Management Act 1991.

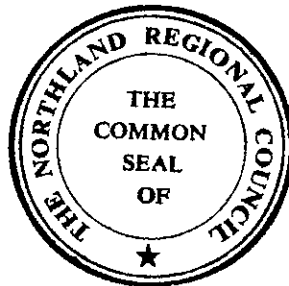
6. NOTWITHSTANDING the provisions of Clause 5, nothing herein shall preclude the parties from entering into a further agreement resetting the mouth of any river within this agreement.

IN WITNESS WHEREOF these presents were executed on the day and year first hereinbefore mentioned.

SIGNED by the DEPUTY DIRECTOR GENERAL OF CONSERVATION acting for and on behalf of the MINISTER OF CONSERVATION pursuant to Sections 54 and 58 of the Conservation Act in the presence of:



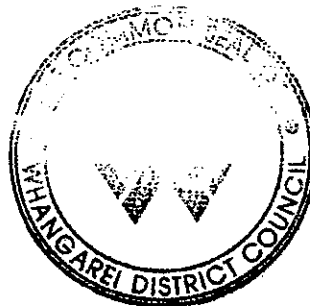
THE COMMON SEAL of the NORTHLAND REGIONAL COUNCIL was affixed in the presence of:



THE COMMON SEAL of the WHANGAREI DISTRICT COUNCIL was affixed in the presence of:

D. A. Hildes

Council Secretary



SCHEDULE 1

COASTAL AREA	RIVER	RIVER MOUTH	CMA BOUNDARY
Bream Bay	Waipu River Ruakaka River	Q08 435 774 Q07 417 889	Q08 429 780 <i>NW bdy of DP 39226</i> Q07 419 892 <i>S bdy of Lot 12</i> <i>Ruakaka Parish BLK XI</i> <i>Ruakaka SD</i>
Whangarei Harbour (Portland Arm) (Hatea River Arm) (Waikaraka) (Parua Bay)	Takahiwai Stream Paneiraira Creek Waikaurakaura & Ngako Creek Otaika Stream Limeburners Creek Waiarohia Stream Hatea River Waioneone Creek Awaroa River Waimahanga Stream Sherwood Creek Waikaraka Stream Taihu Stream Kohinui Stream	Q07 392 948 Q07 287 952 Q07 295 971 Q07 293 017 Q07 300 049 Q07 310 071 Q07 309 087 Q07 326 068 Q07 342 068 Q07 340 058 Q07 341 039 Q07 354 038 Q07 400 011 Q07 421 022	Q07 392 948 <i>Takahiwai Road</i> Q07 287 952 <i>Mangapai Road</i> Q07 295 971 Q07 291 016 Q07 298 048 <i>confluence with Te</i> <i>Waiiti Stream</i> Q07 305 071 <i>Port Road bridge</i> Q07 311 088 <i>Mair Park riffle</i> Q07 327 073 <i>SW boundary of Pt 13</i> <i>DP 18256</i> Q07 342 070 Q07 340 058 <i>Riverside Drive</i> Q07 343 041 <i>E boundary of DP</i> <i>50329</i> Q07 354 039 <i>Whangarei Heads Road</i> Q07 400 011 <i>physical mouth</i> Q07 421 022 <i>physical mouth</i>
Taiharuru Estuary	Taiharuru River	Q07 478 043	Q07 477 041 <i>NE bdy of BLK 109</i> <i>Waikare Parish</i>
Pataua Estuary	Pataua River	Q07 454 065	Q07 449 060 <i>S bdy Lot 1 DP 81904</i>

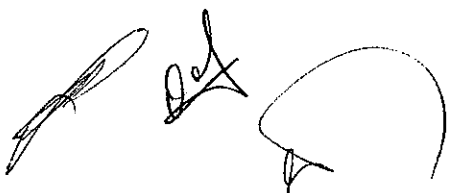
SCHEDULE 1

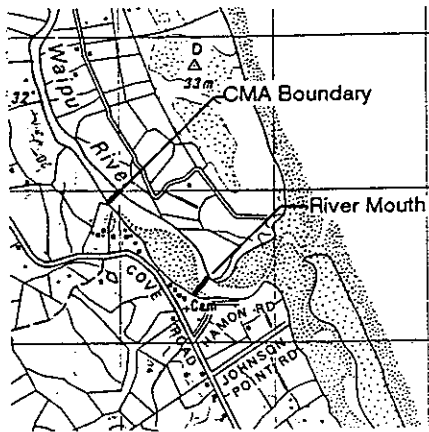
COASTAL AREA	RIVER	RIVER MOUTH	CMA BOUNDARY
Horahora Estuary	Horahora River	Q06 453 141	Q06 441 140 <i>N from E bdy of Blk E Otamaiti</i>
Ngunguru Estuary	Ngunguru River Waiotoi Creek	Q06 406 174 Q06 451 180	Q06 400 162 <i>cadastral line</i> Q06 452 183
Tutukaka Harbour	unnamed	Q06 488 199	Q06 488 199 <i>floodgate at road</i>
Matapouri Bay	Parangarau Stream Te Wairoa Stream	Q06 472 236 Q06 463 237	Q06 472 236 Q06 463 237 <i>SW boundary of Pt A Parangarahu</i>
Whananaki Inlet	Te Oriwa Stream unnamed Stream Wairahi Stream	Q06 425 296 Q06 404 304 Q06 406 318	Q06 423 295 <i>cadastral line</i> Q06 404 304 <i>Hailes Road bridge</i> Q06 405 319 <i>Whananaki North Road</i>
Mimiwhangata-Helena Bay	Te Rewa Stream Te Waiorakau Stream Owai Stream Mimiha Stream	Q06 404 383 Q06 374 389 Q06 347 388 Q06 341 399	Q06 404 383 Q06 374 389 Q06 347 388 <i>Webb Road</i> Q06 341 399 <i>W boundary of Mimiha Domain</i>
Oakura Bay	Oakura Stream	Q05 333 443	Q05 333 443
Whangaruru Harbour	Punaruks Stream Tutaematai Stream Karaeawhau Stream Ngaiotong Stream	Q05 304 478 Q05 289 514 Q05 289 512 Q05 294 522	Q05 304 478 <i>Russell Road bridge</i> Q05 289 514 <i>Russell Road bridge</i> Q05 289 512 <i>Russell Road bridge</i> Q05 292 523 <i>cadastral line</i>

SCHEDULE 2

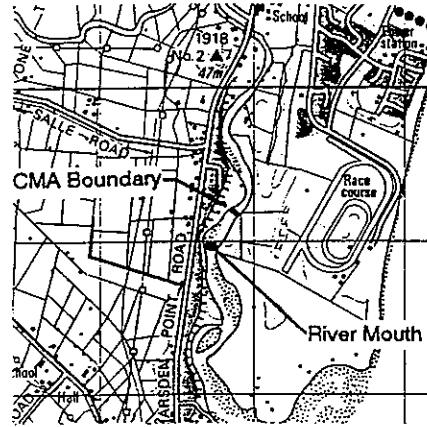
NZMS 260 SERIES MAPS SHOWING THE LOCATION
OF THE
RIVER MOUTH
AND
LANDWARD COASTAL MARINE AREA BOUNDARY
FOR
SPECIFIED RIVERS WITHIN THE

WHANGAREI DISTRICT

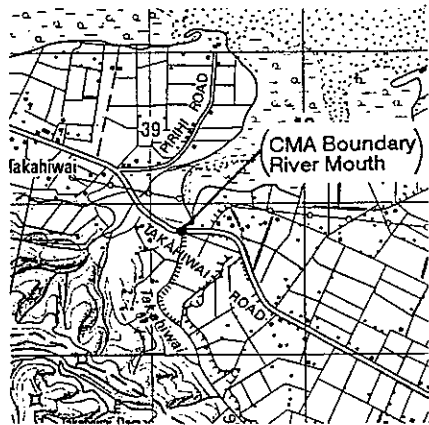
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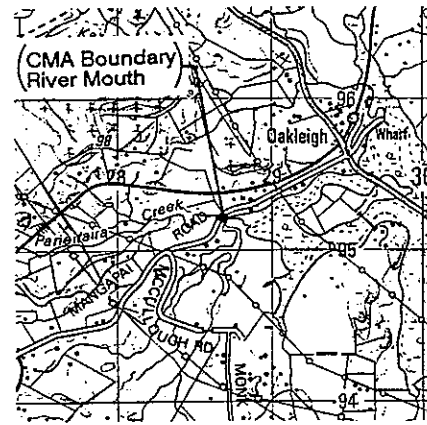
Waipu River



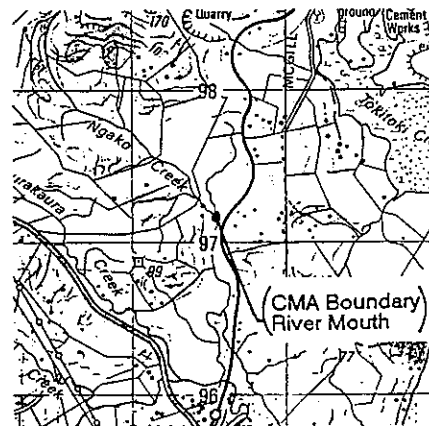
Ruakaka River



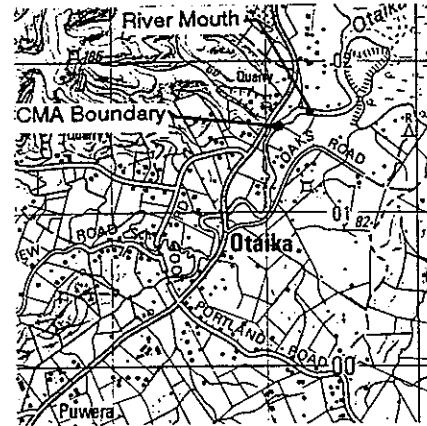
Takahiwi Stream



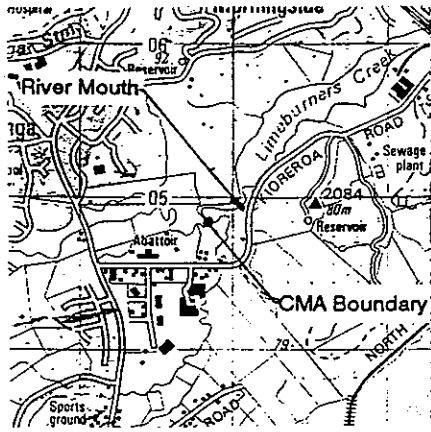
Paneiraira Creek



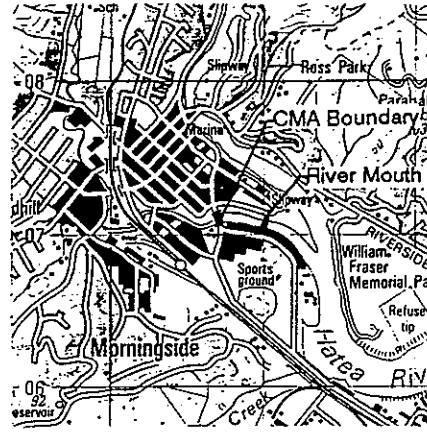
Ngako Creek



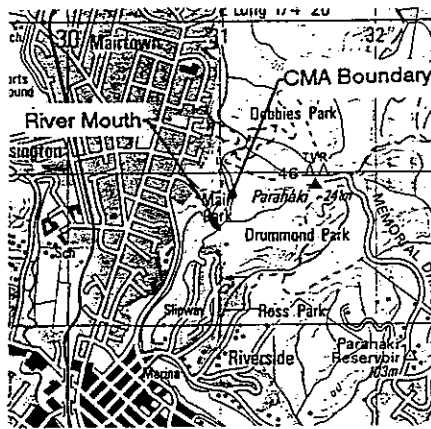
Otaika Stream



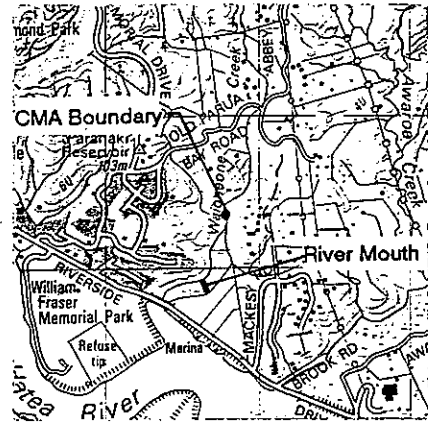
Limeburners Creek



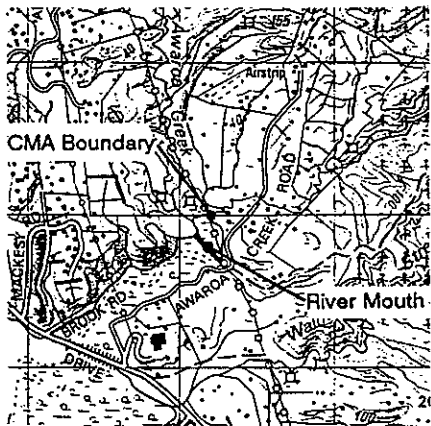
Waiarohia Stream



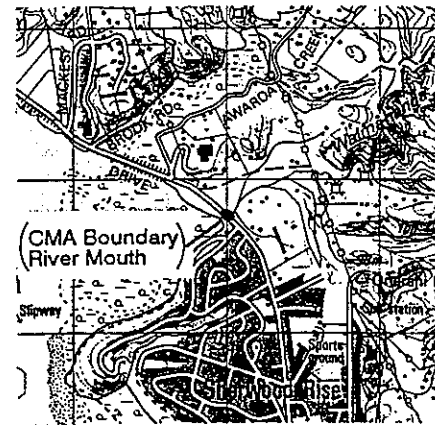
Hatea River



Waioneone Creek

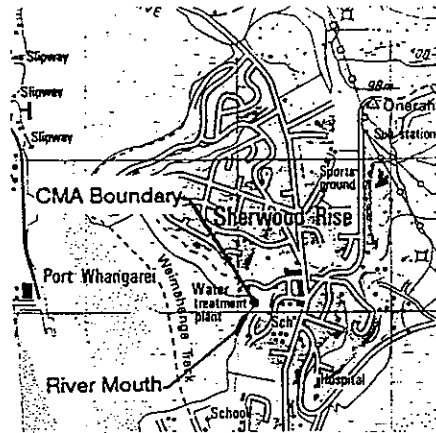


Awaroa River

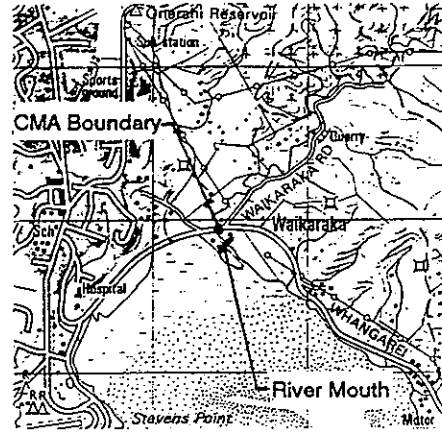


Walmahanga Stream

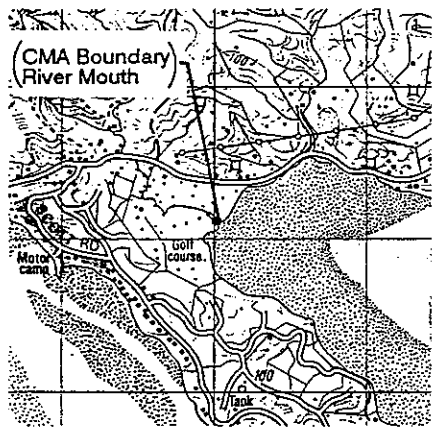
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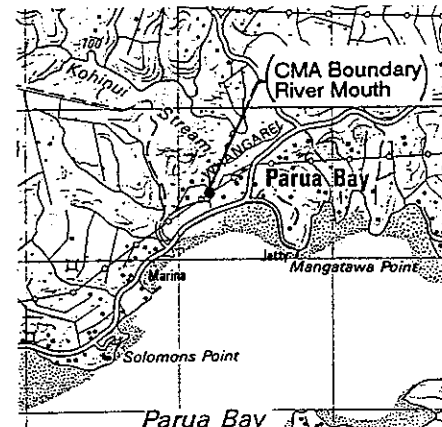
Sherwood Creek



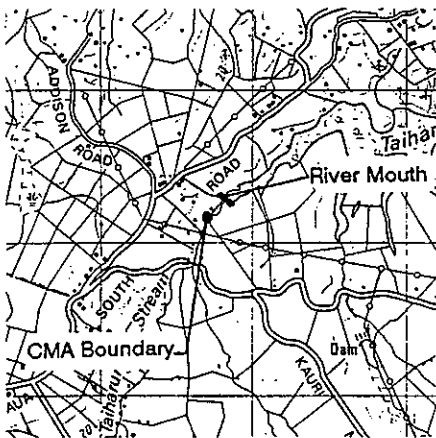
Waikaraka Stream



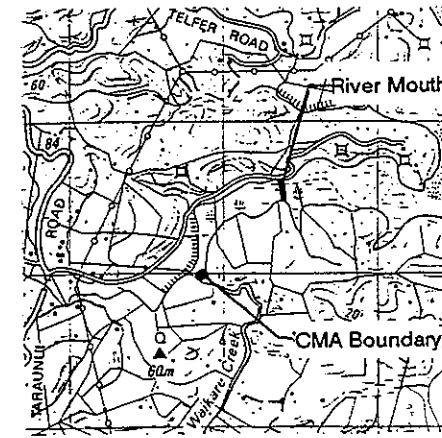
Taihu Stream



**Parua Bay
Kohinui Stream**

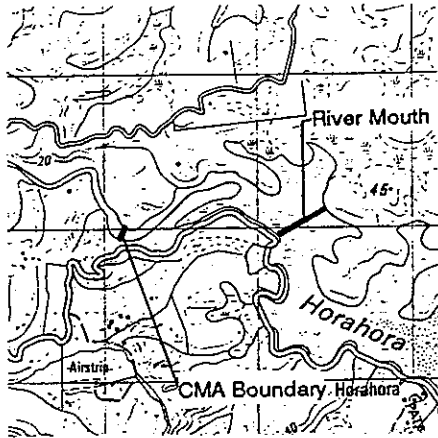


Taiharuru River

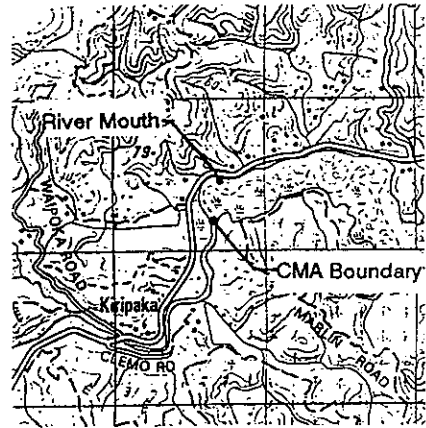


Pataua River

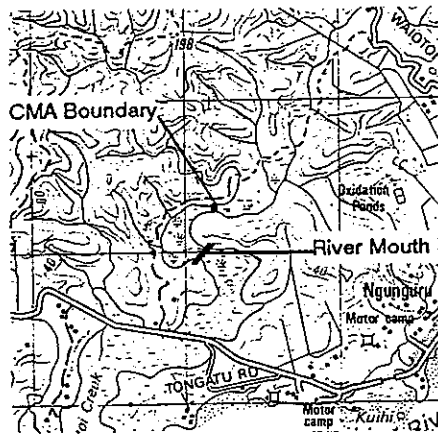
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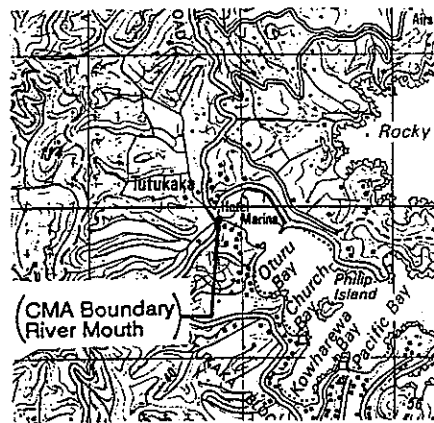
Horahora River



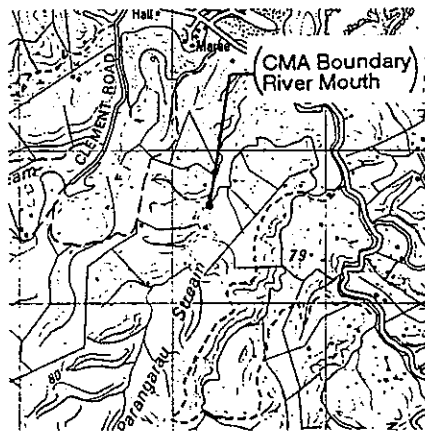
Ngunguru River



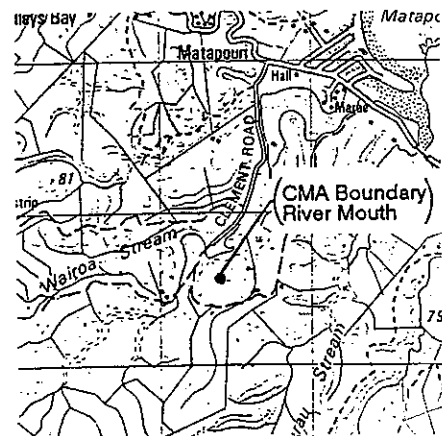
Waiotol Creek



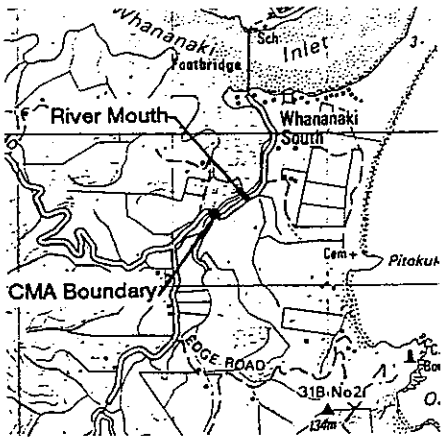
unnamed



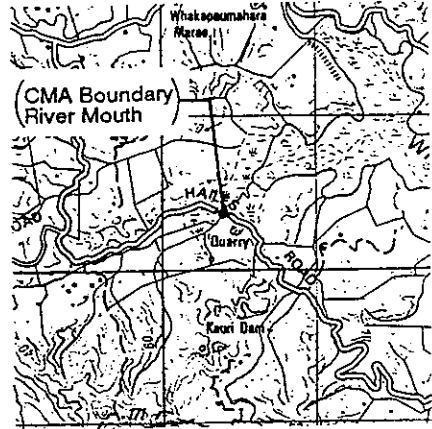
Parangarau Stream



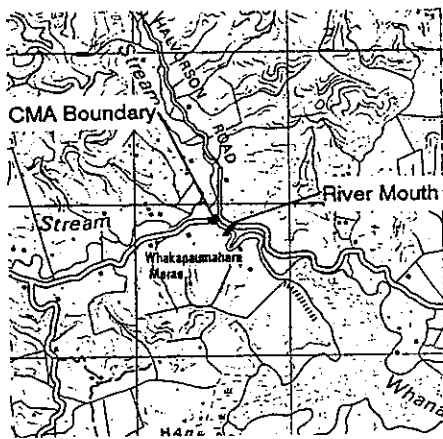
Te Wairoa Stream



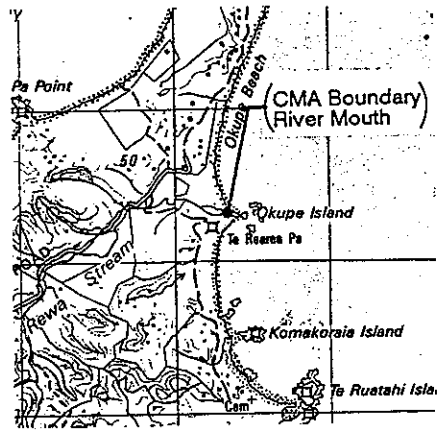
Te Oriwa Stream



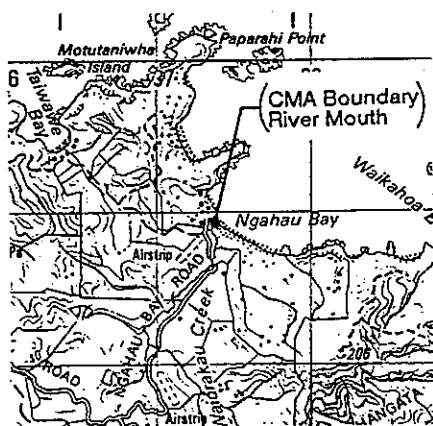
Unnamed Stream



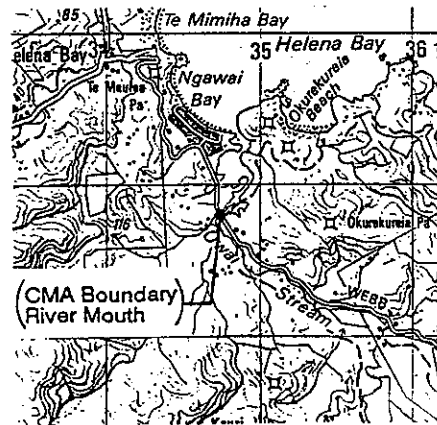
Te Wairahi Stream



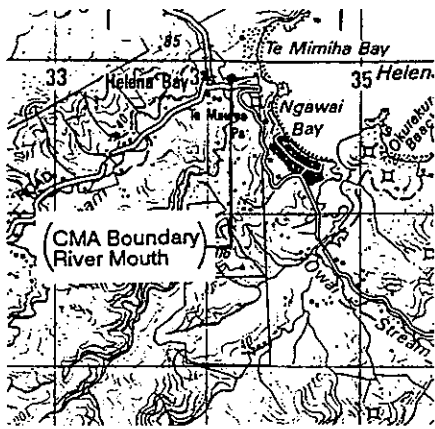
Te Rewa Stream



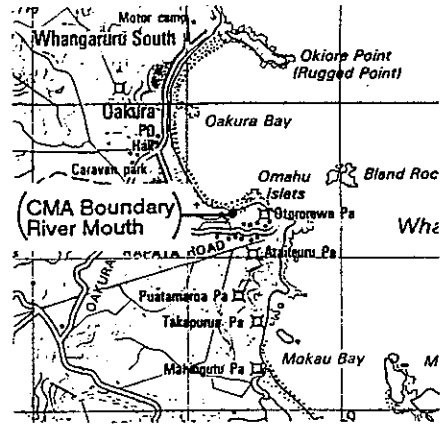
Te Waiorakau Stream



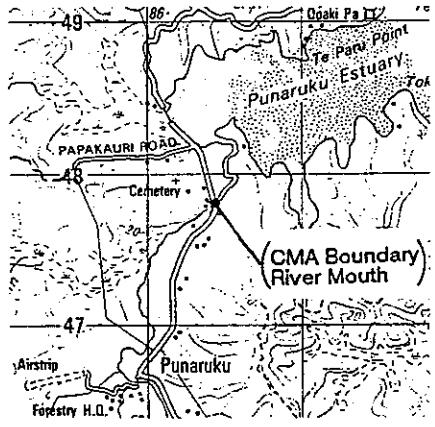
Owai Stream



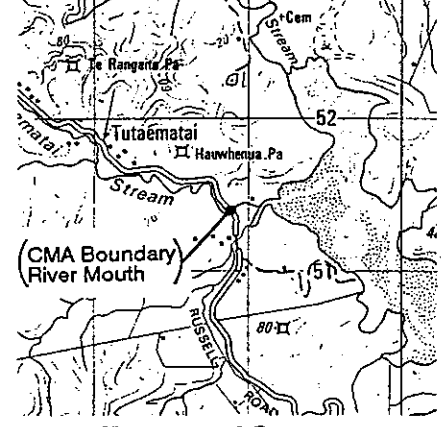
Mimihia Stream



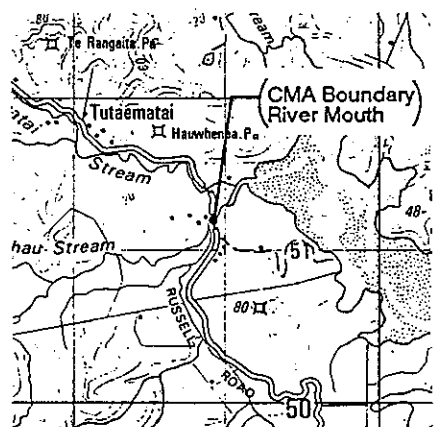
Oakura Stream



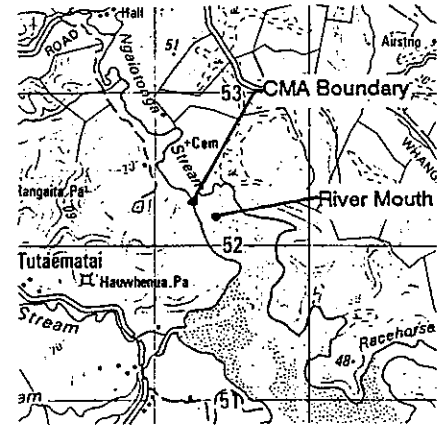
Punaruku Stream



Tutaematai Stream



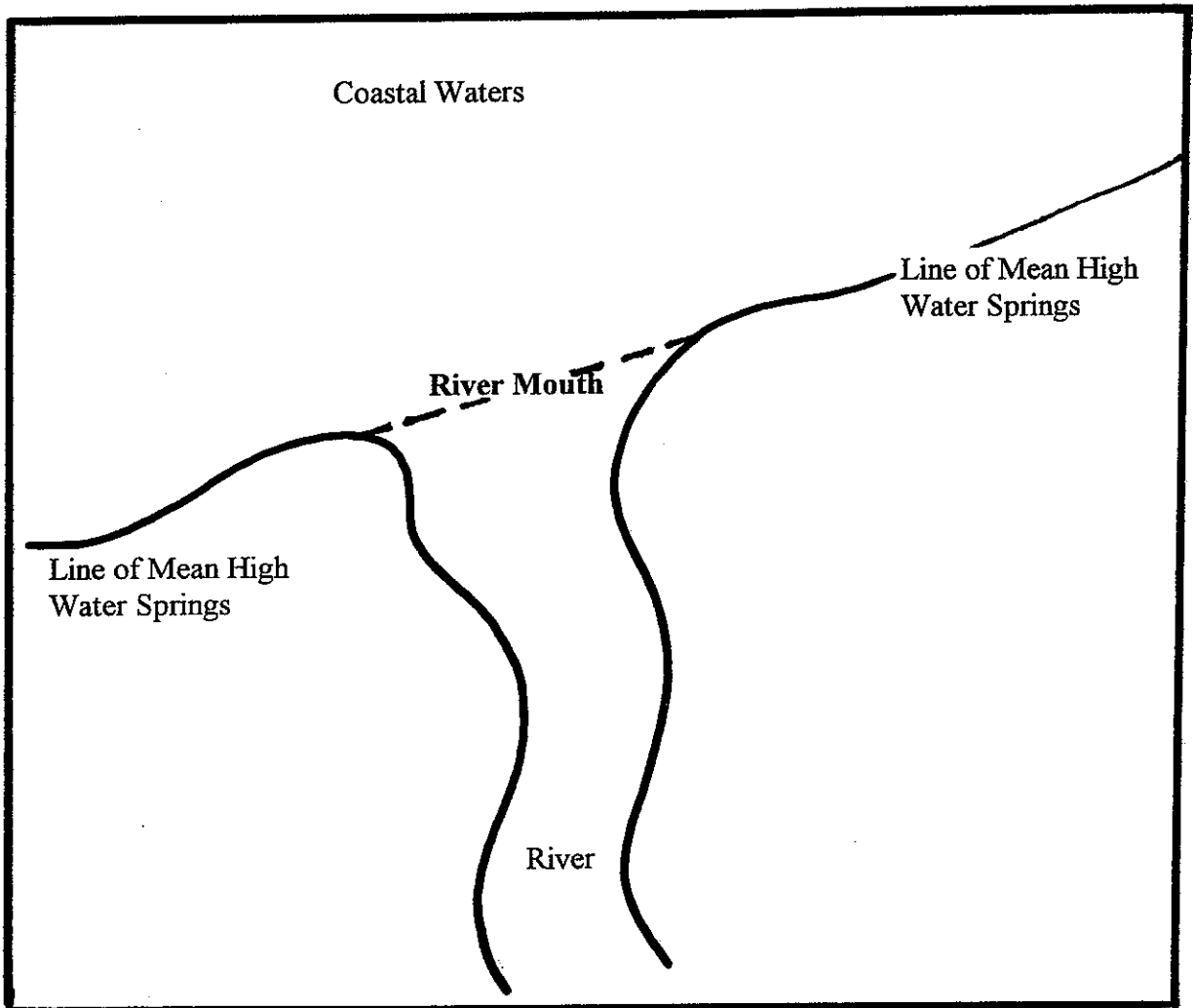
Karaeawhau Stream



Ngaiotonga Stream

SCHEDULE 3

Illustration of the location of river mouth for rivers not listed in Schedule 1.



[Handwritten signature and scribbles]