

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

KAIPARA DISTRICT

THIS AGREEMENT made the.....19th.....day of.....December.....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 KAIPARA 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 Kaipara 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:

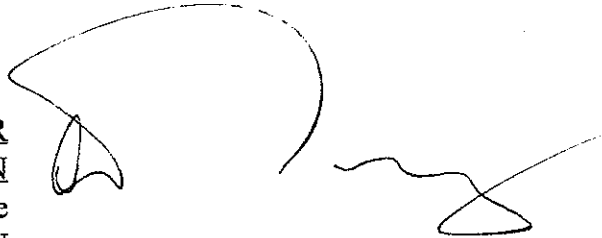
- (i) The landward boundary of the coastal marine area shall be determined in accordance with the provisions of Clause (b) of the definition of "coastal marine area" above;
- (ii) Where it is necessary to fix the width of a river at its mouth, the width shall be fixed by measuring the shortest distance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

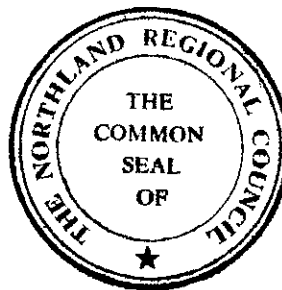
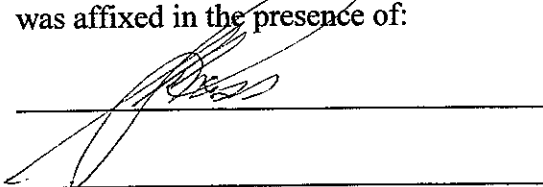
6. NOTWITHSTANDING the provisions of Clause 5, nothing herein shall preclude the parties from entering into a further agreement resetting the mouth of any river within this agreement.

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

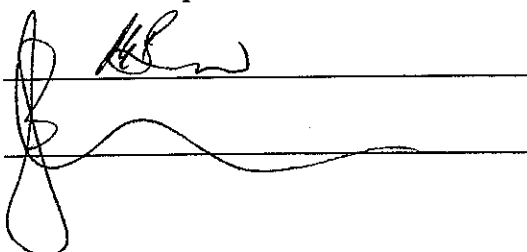
SIGNED by the DEPUTY DIRECTOR
GENERAL OF CONSERVATION
acting for and on behalf of the
MINISTER OF CONSERVATION
pursuant to Sections 54 and 58 of the
Conservation Act in the presence of:



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



THE COMMON SEAL of the
Kaipara District Council was
affixed in the presence of:



SCHEDULE 1

COASTAL AREA	RIVER	RIVER MOUTH	CMA BOUNDARY
Mangawhai Harbour	Mangawhai Stream	R08 517 610	R08 517 610 <i>cadastral line</i>
	Bob Creek	R08 515 624	R08 515 624 <i>Kaiwaka-Mangawhai Road</i>
	unnamed stream	R08 522 636	R08 522 636 <i>Molesworth Drive causeway</i>
	Tara Creek	R08 514 661	R08 514 661 <i>Waipu Cove Road</i>
Omapere- Kaipara Head	Waipoua River	O06 539 145	O06 539 145
	Muriwai Stream	O06 557 122	O06 557 122
	Waikara Stream	O07 589 082	O07 589 082
	Waihaupai Stream	O07 635 025	O07 635 025
	Ureti Stream	O07 653 998	O07653 998
	Kaiwi Stream	O07 677 964	O07 677 964
	Omamari Stream	P07 708 925	P07 708 925
	Moremonui Gully Stream	P07 731 892	P07 731 892
Kaipara Harbour (Wairoa Arm) (Tinopai)	Wairoa River	P08 990 638	P08 982 646 <i>SE bdy of Lot 31 Tatarariki Parish</i>
	Okoraka Creek	P08 043 562	P08 043 562 <i>cadastral line</i>
	Taingaehe Creek	P08 031 579	P08 031 579 <i>Pouto Road</i>
	Waimamaku Creek	P08 056 531	P08 056 531 <i>NE bdy of Lot 3 Blk VI Te Kuri SD</i>
	Awaroa River	P08 068 605	P08 070 606 <i>Te Kowhai Road</i>
	Puapua Creek	Q09 225 490	Q09 225 490 <i>Tinopai Road</i>
	Komiti Creek	Q09 226 496	Q09 226 496 <i>Tinopai Road</i>
	unnamed (Komiti Bay)	Q09 230 499	Q09 230 499 <i>cadastral line</i>
	unnamed (Hollands Bay)	Q08 243 506	Q08 243 506 <i>cadastral line</i>

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SCHEDULE 1

COASTAL AREA	RIVER	RIVER MOUTH	CMA BOUNDARY
Kaipara Harbour (Arapaoa River/ Pahi Arm) (Otamatea Arm) (Oruawharo Arm)	Kirikiri Creek	Q08 182 558	Q08 182 558 <i>Arapaoa Road</i>
	Te Ruatuna Creek	Q08 159 597	Q08 159 597 <i>cadastral line</i>
	Te Mateotetawa Creek	Q08 170 613	Q08 159 614 <i>Tinopai Road</i>
	unnamed	Q08 182 633	Q08 176 635 <i>SH12 bridge</i>
	Matakohe River	Q08 185 642	Q08 189 646 <i>SE bdy of N32 Blk XIV</i>
	Paparoa Stream	Q08 207 641	<i>Matakohe SD</i> Q08 212 644
	Pahi River	Q08 244 637	<i>Pahi Road causeway</i> Q08 248 638
	Whakapirau Creek	Q08 286 577	<i>NE bdy of NE21 BLK XVI Matakohe SD</i> Q08 286 577 <i>physical mouth</i>
	Wairau River	Q08 338 646	Q08 339 648 <i>N bdy of Lot 1 DP 27775</i>
	Kaiwaka River	Q08 392 596	Q08 393 593 <i>NW bdy of Pt 176 DP 18703</i>
	Kaitara Creek	Q08 382 600	Q08 382 600 <i>railway causeway</i>
	Kaira Creek	Q09 357 487	Q09 363 496 <i>S bdy of Lot 4 DP 25513</i>
	Topuni Creek	Q08 432 513	Q08 431 516 <i>SE bdy of Opekapeka F2 Blk VII Otamatea SD</i>
Maeneene Creek	Q08 452 501	Q08 452 501 <i>railway bridge</i>	



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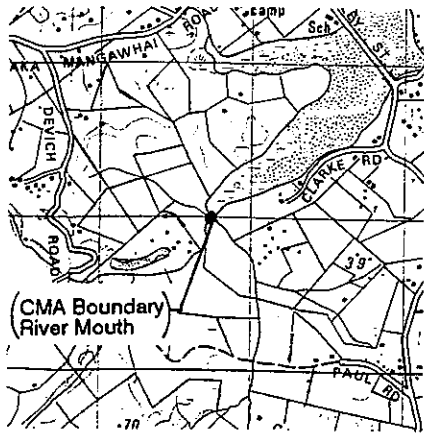


SCHEDULE 2

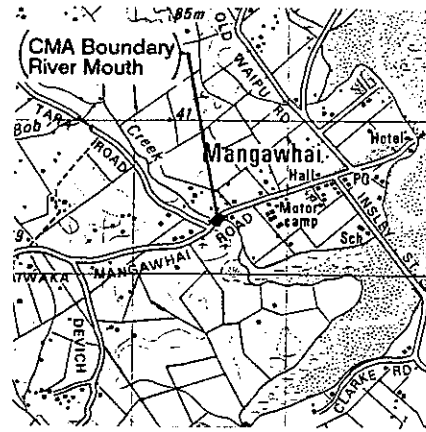
NZMS 260 SERIES MAPS SHOWING THE LOCATION
OF THE
RIVER MOUTH
AND
LANDWARD COASTAL MARINE AREA BOUNDARY
FOR
SPECIFIED RIVERS WITHIN THE

KAIPARA DISTRICT

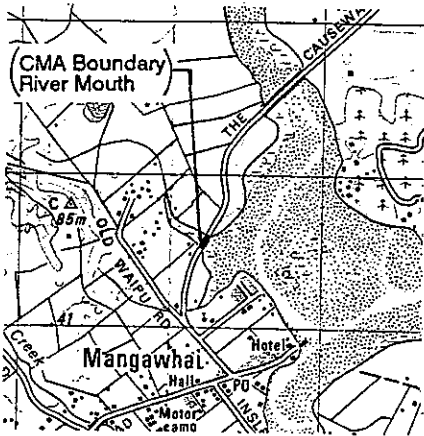




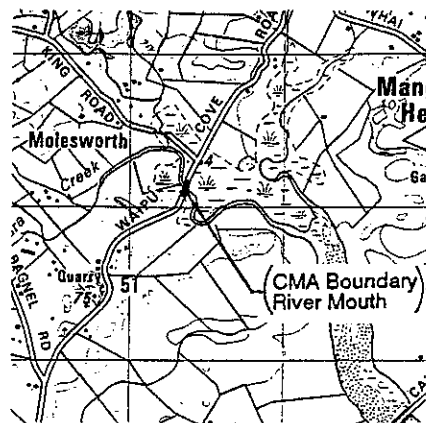
Mangawhai Stream



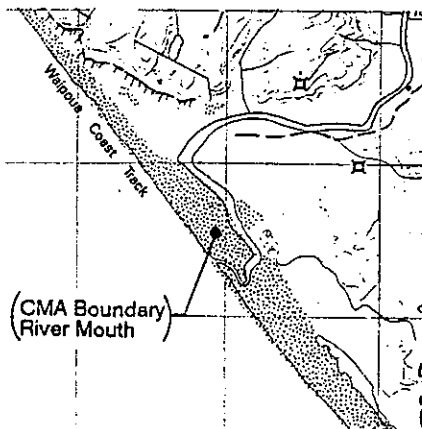
Bob Creek



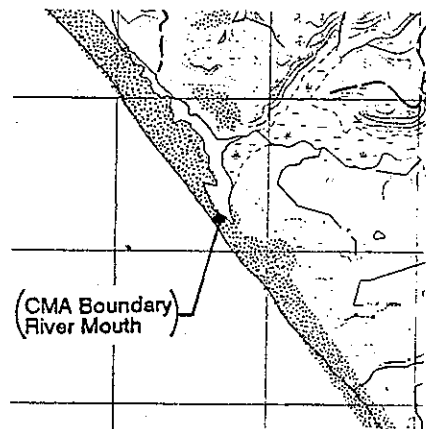
unnamed



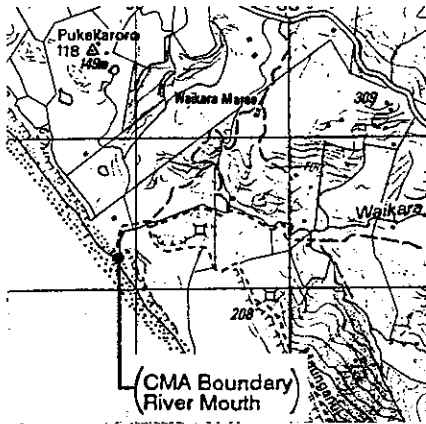
Tara Creek



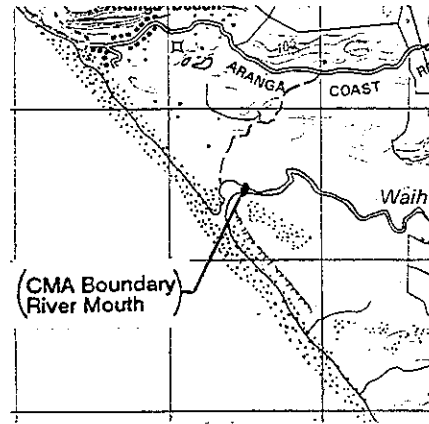
Waipoua River



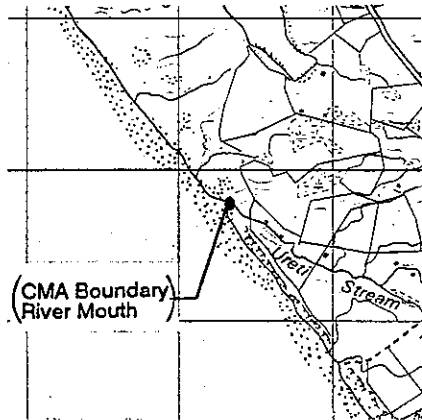
Muriwai Stream



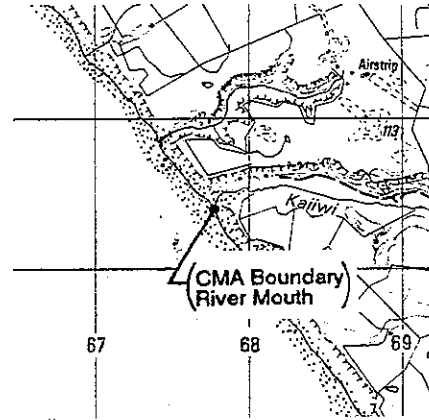
Waikara Stream



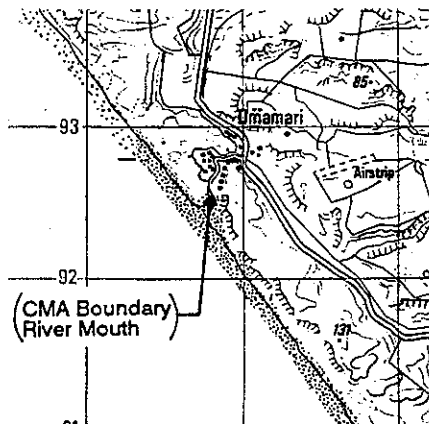
Waihaupai Stream



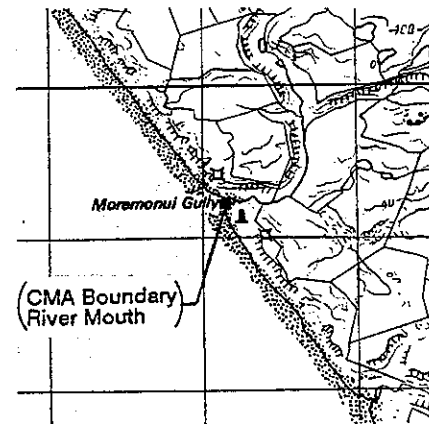
Ureti Stream



Kai iwi Stream



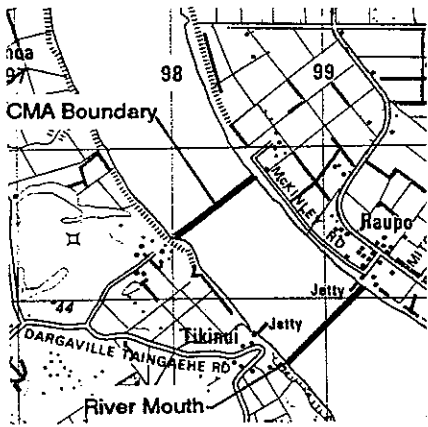
Omamari Stream



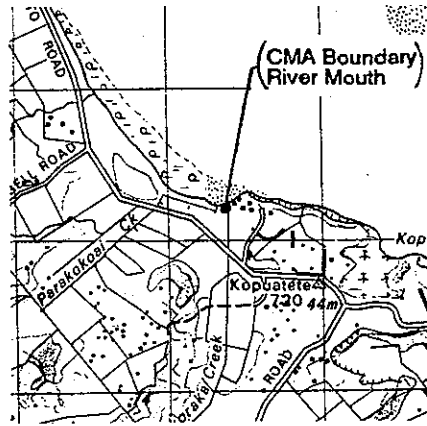
Moremonui Gully Stream

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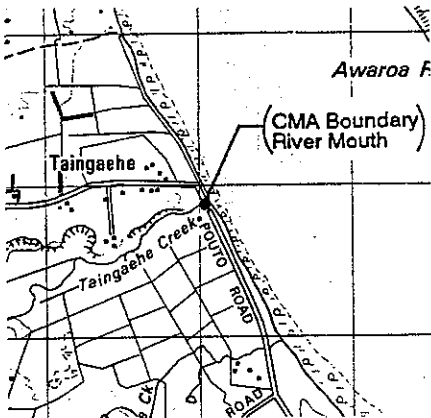
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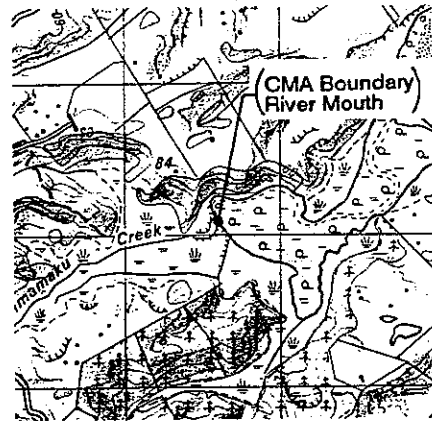
Wairoa River



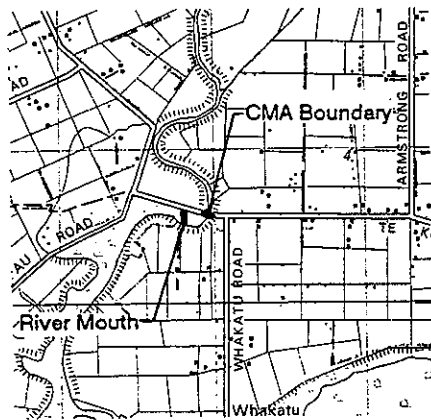
Okoraka Creek



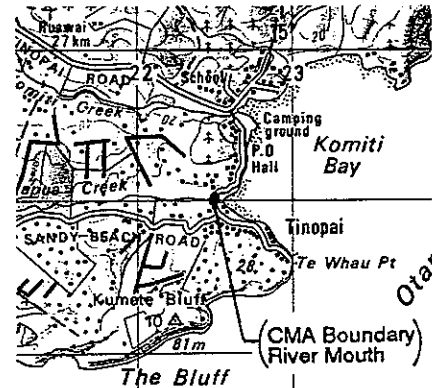
Taingaehe Creek



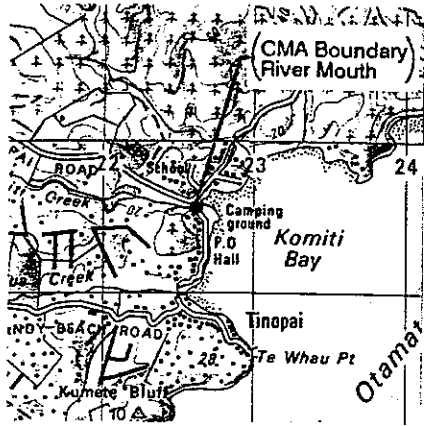
Waimamaku Creek



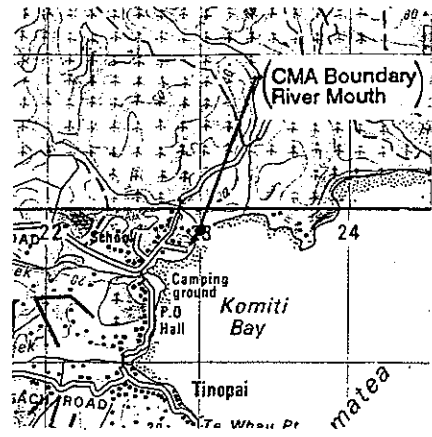
Awaroa River



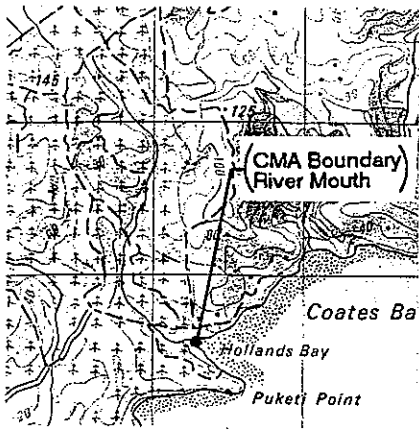
Puapua Creek



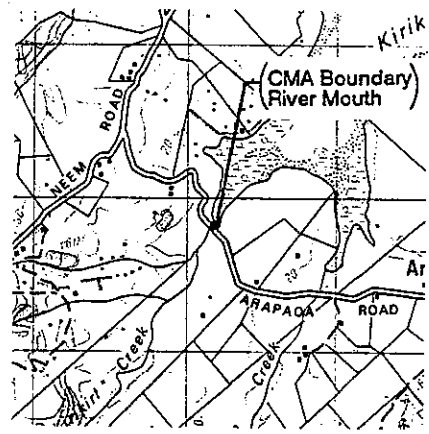
Komiti Creek



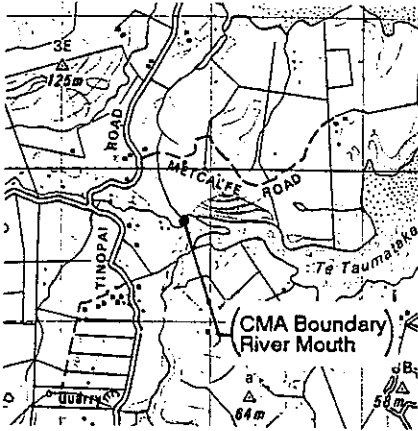
unnamed (Komiti Bay)



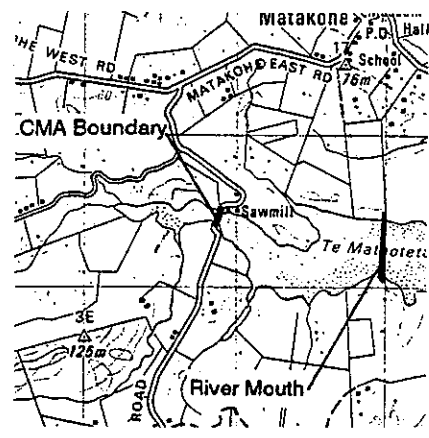
unnamed (Hollands Bay)



Kirikiri Creek



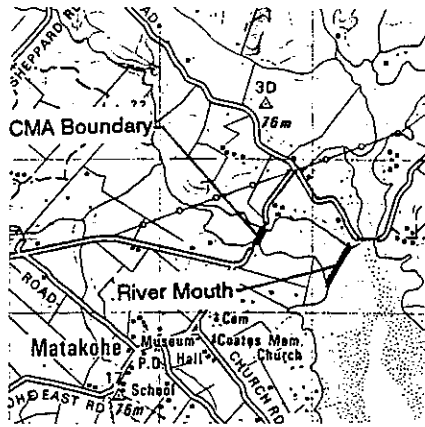
Te Ruatuna Creek



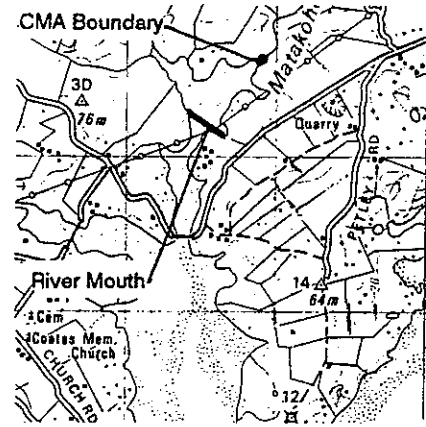
Te Mateotetawa Creek

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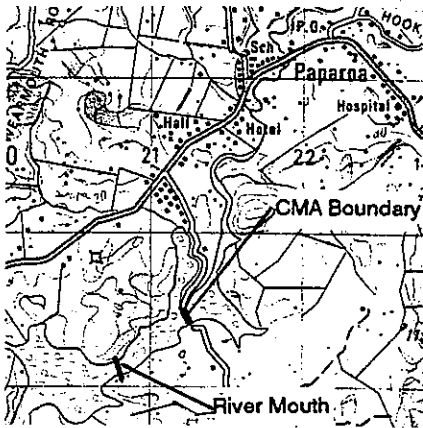
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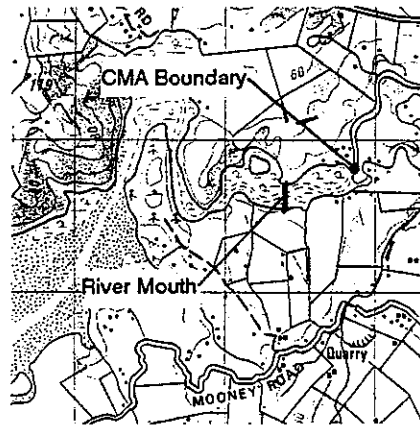
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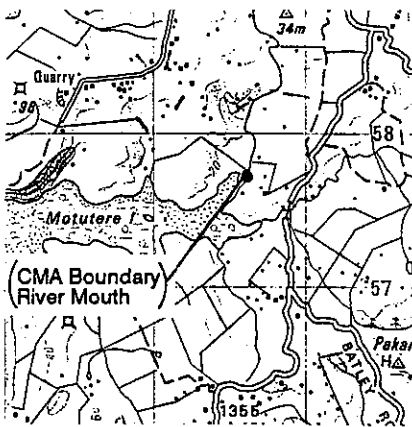
Matakohe River



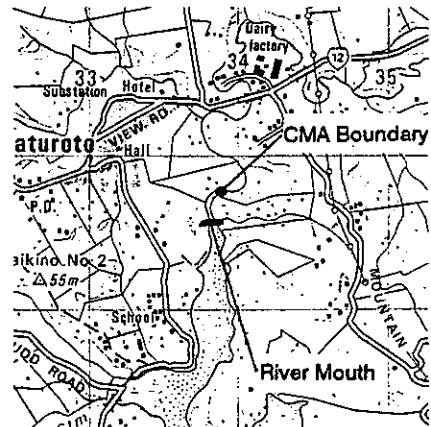
Paparoa Stream



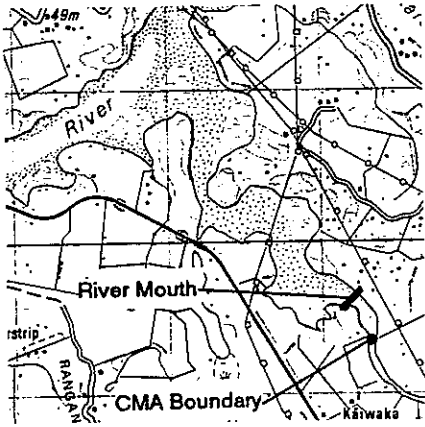
Pahi River



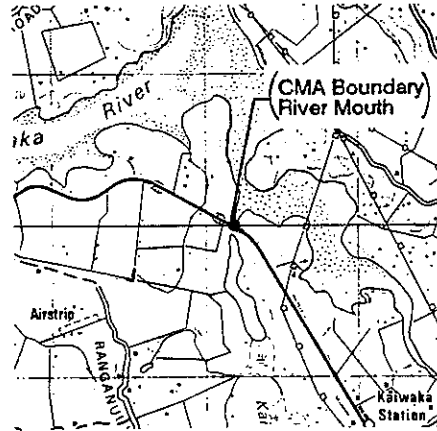
Whakapirau Creek



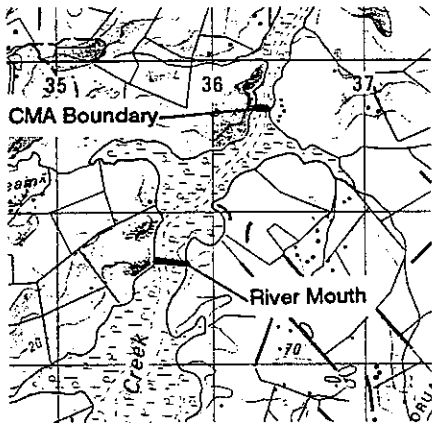
Wairau River



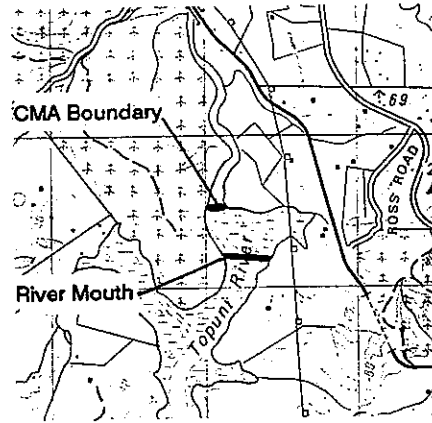
Kaiwaka River



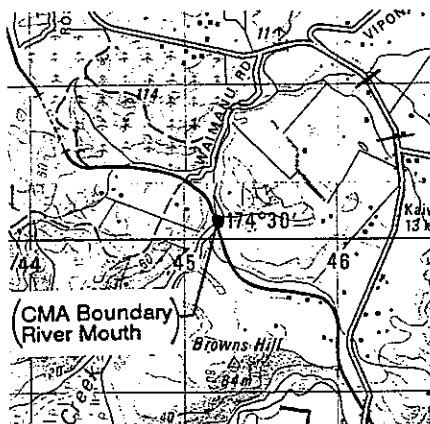
Kaitara Creek



Kaira Creek



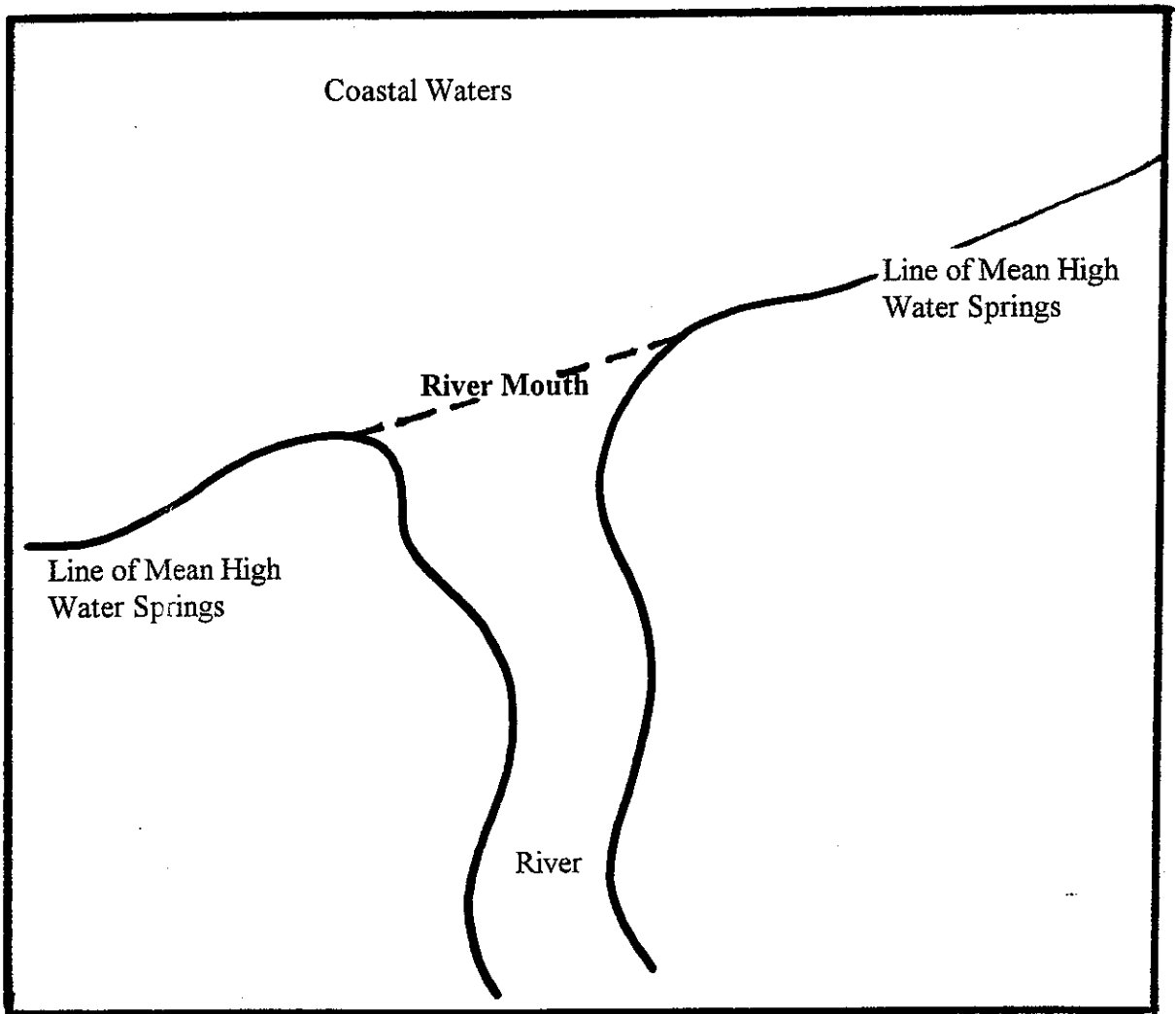
Topuni River



Maeneene Creek

SCHEDULE 3

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



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