

Practice and Guidance note

National Environmental Standards

for Freshwater - Identifying the connected area of a river when applying the fish passage regulations

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The information in this practice and guidance note is, according to Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the practice and guidance note are advised that:

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- *this document sets out general principles which may be used as guidance for matters relating to the interpretation and application of the Auckland Unitary Plan; it is not intended to interfere with, or fetter, the professional views and opinions of council officers when they are performing any function or exercising any power under the RMA. Each consent will be considered on a case by case basis and on its own merits*
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1 Introduction

The [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#) (NES-F) include regulations in Part 3 Subpart 3 that relate to the passage of fish affected by structures. These regulations apply to the placement, alteration, extension, or reconstruction of culverts, weirs, flap gates, dams, or fords, in, on, over, or under the bed of any river or connected area.

This Practice and Guidance note (PGN) provides guidance on how to identify a river or the connected area for the purpose of applying these regulations.

2 How to identify a river or connected area

'River or connected area' is defined in the NES-F (Section 3) as: (a) a river; or (b) any part of the coastal marine area that is upstream from the mouth of a river. The latter being the 'connected area' of a river.

When identifying a river as per point (a), 'river' is further defined in the Resource Management Act 1991 (RMA) 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)".

To determine the extent of the connected area as per point (b), refer to the RMA definitions of 'coastal marine area' and 'mouth', which are:

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 that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) 1 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
- (b) as declared by the Environment Court under [section 310](#) upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative,— and once so agreed and set or declared shall not be changed in accordance with [Schedule 1](#) or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree

To determine the connected area of a river, an applicant must therefore identify the landward extent of the coastal marine area and locate the mouth of the river.

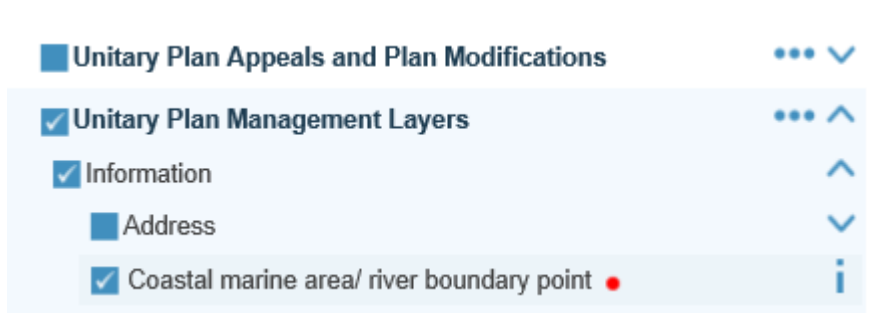
Finding the Extent of the Coastal Marine Area

The location of the ‘mouth’ and the extent of the CMA up stream of this point was agreed in the early 1990s. It was reviewed in the development of the [Auckland Unitary Plan \(Operative in Part\)](#) (“AUP(OP)”). Several of the CMA boundary points were moved so that they were more accurately aligned with the waterways.

The Auckland region’s CMA is typified by drowned river valleys with long dendric estuaries. The CMA boundary process sought to ensure that these marine estuarine areas were managed as part of the CMA.

In almost all cases, the extent of the CMA as it crosses a river can be seen on the AUP(OP) maps by the extent of the General Coastal Marine zone up a river. In the AUP(OP) maps this will be marked in pale blue. If there are exceptions these will be other coastal zones.

The upper extent the CMA as it crosses a river can be ‘turned on’ in the AUP(OP) maps by selecting *Unitary Plan Management Layers* and *Information*, then *Coastal Marine area/river boundary point*.





[Appendix 7 of the](#)

[AUP\(OP\).](#)

Coastal Marine Area/River Boundary				
ID	River	Location	NZTM Point X	NZTM Point Y
165	Henderson Creek		1745715.71	5918184.05

For rivers not identified in the table below, the “mouth” shall be at that point depicted by a straight line representing a continuation of the line of mean high water springs on each side of the river.

Locating the Mouth of the River

The location of the mouth of rivers are not shown in the AUP(OP) maps or recorded in Appendix 7. For each application where a regulation in the NES-F may be triggered and the application area is near the upper limit of the CMA as it extends up a river, the location of the mouth of the river will need to be determined.

To assist with this, Appendix 7 of the AUP(OP) states:

The mouth of the river can be determined by back-calculating from the coastal marine area boundary across a river.

The relevant process steps are:

1. Determine the location of CMA boundary from the AUP(OP) maps and Appendix 7.
2. Manually locate the nearest point downstream where, by measuring the width of the river at that location, the calculation of 5x this width will lead the CMA boundary point on the AUP(OP) map/Appendix 7. The width of the river mouth

is measured from the blue dotted lines depicting MHWS (labelled 'indicative coastline') on either side of the CMA.

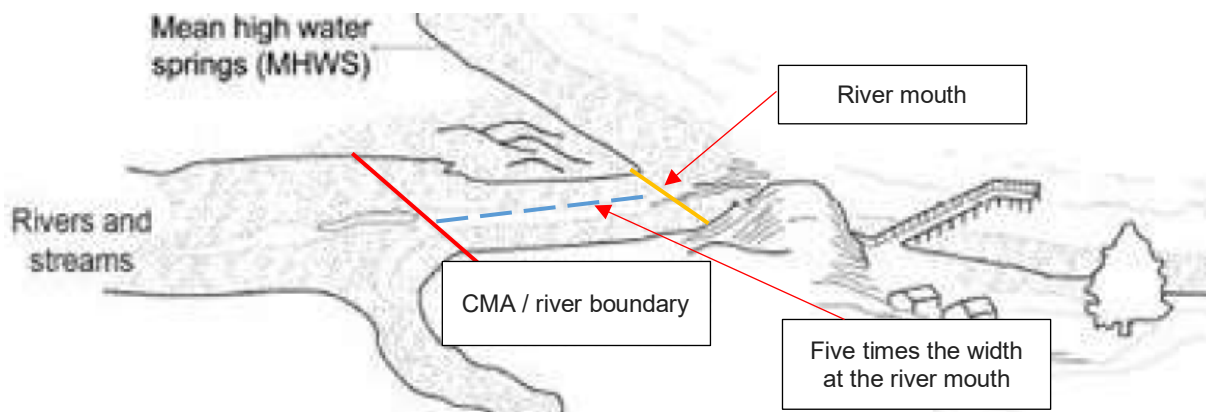
3. The connected area is that part of the CMA between the river mouth and the CMA boundary. Part 3 Subpart 3 of the NES-F applies upstream of the identified river mouth.

This back calculation process works in most situations, but not all. When the back calculation process does not work, the river mouth location will need to be approximated. It is suggested that advice from council is sought in such circumstances.

The only river in the Auckland region which triggered the 1km up stream boundary was the Kaipara River. In this case, the mouth of the Kaipara River is located 1km downstream of the CMA boundary.

3 Connected area examples

The following are some pictorial examples of river mouths, CMA boundaries and connected areas.





4 Applying the fish passage regulations once a river or connected area has been identified

The fish passage regulations are outlined in Part 3 Subpart 3 of the NES-F. If an applicant is placing, altering, extending, or reconstructing a culvert, weir, flap gate, dam, or ford in, on, over, or under the bed of any river or connected area they must comply with these regulations.

This includes different information requirements depending on the type of structure. Where a consent is required, this information will be included as a condition of the resource consent. Where an activity is permitted, information about the structure must be provided to Auckland Council within 20 working days after the activity is finished.

The specific information required differs depending on the structure, and is outlined in regs 61-68 of the NES-F. Information forms for permitted activities can be found on Auckland Council's website, [here](#).

For further guidance, please refer to the "Essential Freshwater Policies & Regulations" section of the [Auckland Design Manual](#).