

Agreement for the Definition of River Mouths and the Landward Boundary of the Coastal Marine Area within the Bay of Plenty Region

THIS AGREEMENT is made the ^{1st} day of August 2008 pursuant to section 2 of the Resource Management Act 1991 **BETWEEN STEPHANIE CHADWICK** Minister of Conservation (hereinafter called the "Minister") of the first part **AND the BAY OF PLENTY REGIONAL COUNCIL** (hereinafter called the "Council") of the second part **AND the DISTRICT COUNCILS OF WESTERN BAY OF PLENTY, TAURANGA CITY, WHAKATANE AND OPOTIKI** (collectively called the "Territorial Authorities") of the third part.

WHEREAS

A Section 2 of the Resource Management Act 1991 ("the Act") provides that "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,

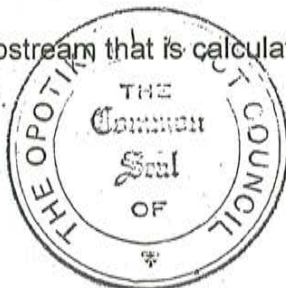
and once so agreed and set or declared shall not be changed in accordance with Schedule 1 or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree."

B Section 2 of the Act also provides that "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) one kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river at its mouth by 5".

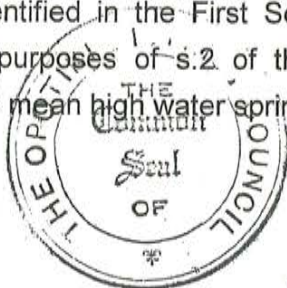


- C The Bay of Plenty Regional Coastal Environment Plan ("RCEP") has been operative since 2004 and covers the marine area between Orokawa Bay (Map Grid Reference: 6419790N - 2770740E) and Potikirua Point (Map Grid Reference: 6,394,000N - 2,959,120E). The Second Schedule to the RCEP shows the river mouth boundaries as defined in the original 'Agreement for Definition of Rivermouths and Landward Boundary of Coastal Marine Area', signed by the parties to this agreement dated 23 August 1993 ("Original Agreement"). The Council intends to notify a plan change ("Proposed Plan Change") to show the new river mouth boundaries agreed and set pursuant to this agreement.
- D This agreement replaces the Original Agreement, and amends the boundaries of specified river mouths and the landward boundary of the coastal marine area accordingly as set out in the attached schedules to this agreement. This agreement will have immediate effect upon being signed by all parties, notwithstanding that the Proposed Plan Change may not have been notified or made operative.
- E The Original Agreement will cease to have effect from the time this agreement is signed by all parties.

PURSUANT to section 2 of the Act the Minister, the Council and each of the Territorial Authorities (in relation only to their respective territorial boundaries in so far as such boundaries are contained within the regional boundaries of the Council) **HEREBY AGREE** that:

- 1 For the purposes of defining the landward boundary of the coastal marine area, the mouth of each river which enters the coastal marine area between Orokawa Bay (Map Grid Reference: 6419790N - 2770740E) and Potikirua Point (Map Grid Reference: 6,394,000N - 2,959,120E) and which is identified in the First Schedule to this agreement is agreed and set in accordance with the provisions of this agreement.
- 2 The agreed and set mouth of each river identified in the First Schedule to this agreement is described in Part One of the Second Schedule to this agreement and represented by a blue line on the maps contained in the Third Schedule to this agreement.
- 3 The width of the agreed and set mouth of each river referred to in clause 2 of this agreement is set out in Part Two of the Second Schedule to this agreement.

For rivers not identified in the First Schedule to this agreement, the agreed and set "mouth", for the purposes of s.2 of the Act, shall be a straight line representing a continuation of the mean high water springs on each side of the river.



THIS AGREEMENT IS DATED 15th August 2008

SIGNED BY

BARBARA BROWNE,
GENERAL MANAGER OPERATIONS,
NORTHERN ACTING for and on behalf of)
STEPHANIE CHADWICK)
Minister of Conservation)
pursuant to s 54 and 58 of the)
Conservation Act 1987)
in the presence of)

[Handwritten signature]



Henry Weston
Conservation, Bay of Plenty
Department of Conservation

The common seal of the)
BAY OF PLENTY REGIONAL COUNCIL)
is hereunto affixed in the presence of)

[Handwritten signature]



Stephen Lamb (Senior Planner)
[Handwritten signature]

The common seal of the WESTERN)
BAY OF PLENTY DISTRICT COUNCIL)
is hereunto affixed in the presence of)

[Handwritten signature]



Jo Thompson (Planner)
[Handwritten signature]

The common seal of the)
TAURANGA CITY COUNCIL)
is hereunto affixed in the presence of)

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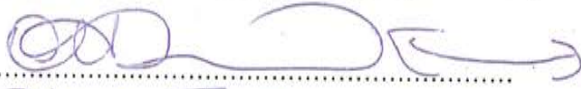


Stephen Lamb (Senior Planner)
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The common seal of the
WHAKATANE DISTRICT COUNCIL
is hereunto affixed in the presence of

) Miles McConway
) Group Manager Technology
) Environment Bay of Plenty



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Diane Turner
.....
Chief Executive
.....





MAYOR, COLIN HOLMES

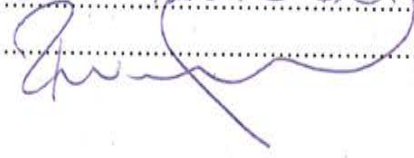
The common seal of the
OPOTIKI DISTRICT COUNCIL
is hereunto affixed in the presence of

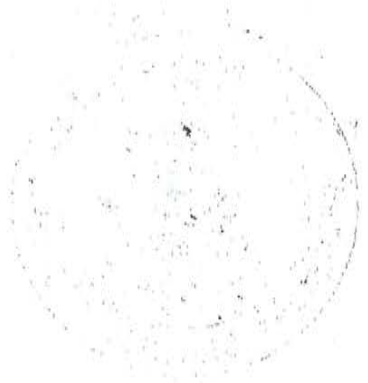
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ROBERT WILLIAMS
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CEO TAUPŌ D.C.
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FIRST SCHEDULE

Rivers which enter the Coastal Marine Area between Orokawa Bay (Map Grid Reference: 6419790N - 2770740E) and Potikirua Point (Map Grid Reference: 6394280N - 2,959,210E).

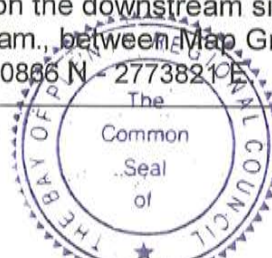
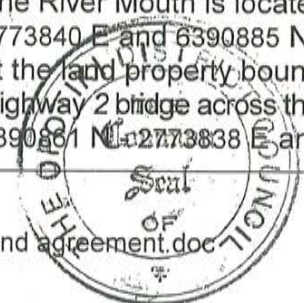
WAI AU RIVER	NUKUHOU RIVER
URETARA STREAM	WAIOTAHU RIVER
TUAPIRO CREEK	WAI OEKA
TE MERE STREAM	OTARA
TE MANIA STREAM	WAI AUA RIVER
AONGATETE RIVER	TIROHANGA RIVER
WAINUI RIVER	TORERE RIVER
STREAM NEAR APATA	HAWAI RIVER
WAI PAPA RIVER	
TE PUNA STREAM	MOTU RIVER
KAITUNA RIVER	HAPARAPARA RIVER
	KEREU RIVER
WAIROA RIVER	RAUKOKORE RIVER
WAIMAPU RIVER	WHANGAPARAOA RIVER
WAITAHANUI STREAM	
TARAWERA RIVER	
RANGITAIKI RIVER	
WHAKATANE RIVER	



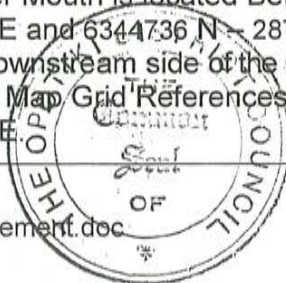
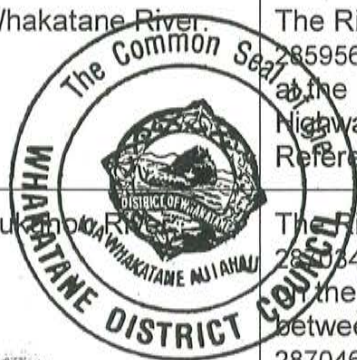
SECOND SCHEDULE:

Part One - Description of the agreed and set mouth of rivers and coastal marine area ("CMA") boundaries identified in the First Schedule to this agreement.

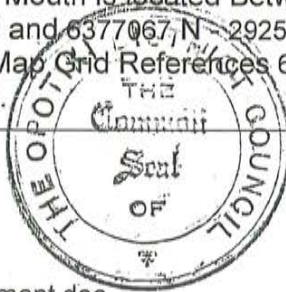
Waiiau River:	The River mouth is situated at Map Grid References 6413638 N - 2771104 E to 6413631 N - 2771111 E. The CMA boundary is located at the land property boundary on the downstream side of Steel Road between NZMG map references 6413644 N - 2771016 E and 6413584 N - 2771095 E.
Uretara Stream:	The River Mouth is located Between Map Grid References 6401534 N - 2768088 E and 6401509N - 2768076 E. The CMA boundary is located at the land property boundary on the downstream side of the State Highway 2 bridge, between Map Grid References 6401563 N - 2767952 E and 6401541N - 2767959 E
Tuapiro Creek:	The River Mouth is located Between Map Grid References 6407657 N - 2769284 E and 6407616 N - 2769280 E. The CMA boundary is located at the land property boundary on the downstream side of the State Highway 2 bridge, between Map Grid References 6407743 N - 2769080 E and 6407709 N - 2769071 E.
Te Mere Stream:	The River Mouth is located Between Map Grid References 6398404 N - 2767653 E and 6398409 N - 2767652 E. The CMA boundary is located at the land property boundary on the downstream side of the disused/ Paeroa/Apata rail bridge abutment, between Map Grid References 6398371 N - 2767631 E and 6398436 N - 2767624 E.
Te Mania Stream:	The River Mouth is located Between Map Grid References 6397875 N - 2768171 E and 6397879 N - 2768173 E. The CMA boundary is located at the land property boundary on the downstream side of the disused/ Paeroa/Apata rail bridge abutment across the Te Mania Stream, between Map Grid References 6397866 N - 2768156 E and 6397873 N - 2768147 E.
Aongatete River:	The River Mouth is located approximately 140 metres downstream of the Whatakao Stream tributary entering the Aongatete River between Map Grid References 6394584 N - 2770659 E and 6394569 N - 2770636 E. The CMA boundary is located at the where the Whatakao Stream and the Aongatete River meet, between Map Grid References 6394702 N - 2770598 E and 6394658 N - 2770521 E.
Wainui River:	The River Mouth is located Between Map Grid References 6391963 N - 2771421 E and 6391964 N - 2771401E. The CMA boundary is located at the land property boundary on the downstream side of the disused/ Paeroa/Apata rail bridge abutment across the Wainui River, between Map Grid References 6391870 N - 2771412 E and 6391865 N - 2771386 E.
Wainui River near Apata:	The River Mouth is located Between Map Grid References 6390886 N - 2773840 E and 6390885 N - 2773845 E. The CMA boundary is located at the land property boundary on the downstream side of the State Highway 2 bridge across the Stream, between Map Grid References 6390861 N - 2773838 E and 6390866 N - 2773821 E.



Waipapa River:	The River Mouth is located Between Map Grid References 6389484 N - 2775188 E and 6389476 N – 2775203 E. The CMA boundary is located at the land property boundary on the downstream side of the State Highway 2 bridge across the Waipapa River, between Map Grid References 6389416 N - 2775142 E and 6389391 N - 2775175 E.
Te Puna Stream:	The River Mouth is located Between Map Grid References 6386484 N - 2777926 E and 6386478 N – 2777936 E. The CMA boundary is located at the land property boundary on the downstream side of the State Highway 2 bridge across the Te Puna Stream, between Map Grid References 6386435 N - 2777891 E and 6386429 N - 2777905 E.
Wairoa River:	The River Mouth is located Between Map Grid References 6385069 N - 2782810 E and 6385081 N – 2782909 E. The CMA boundary is located at the land property boundary on the downstream side of the State Highway 2 bridge across the Wairoa River, between Map Grid References 6384648 N - 2783099 E and 6384563 N - 2782970 E.
Waimapu Stream	The river mouth is located Between Map Grid References 6381021 N - 2787384 E and 6380992 N - 2787429 E. The CMA boundary is located at the land property boundary, between Map Grid References 6381106 N - 2787523 E and 6381103 N - 2787559 E.
Kaituna river:	The River Mouth is located Between Map Grid References 6377767 N - 2810780 E and 6377664 N – 2810780 E. The CMA boundary is located between Map Grid References 6377851 N - 2810296 E and 6377939 N - 2810298 E.
Waitahanui Stream:	The River Mouth is located Between Map Grid References 6368420 N - 2826974 E and 6368409 N – 2826991 E. The CMA boundary is located on the downstream side of the privately-owned bridge across the Waitahanui Stream , between Map Grid References 6368371 N - 2826884 E and 6368341 N - 2826911 E.
Tarawera River:	The River Mouth is located Between Map Grid References 6360959 N - 2843243 E and 6360940 N – 2843341 E. The CMA boundary is located on the downstream side of the State Highway 2 bridge across the Tarawera River, between Map Grid References 6360472 N - 2843118 E and 6360453 N - 2843177 E.
Rangitaiki River:	The River Mouth is located Between Map Grid References 6358420 N - 2851410 E and 6358463 N – 2851314 E. The CMA boundary is located between Map Grid References 6358182 N - 2850842 E and 6358111 N - 2851005 E.
Whakatane River:	The River Mouth is located Between Map Grid References 6353427 N - 2859565 E and 6353371 N – 2859683 E. The CMA boundary is located at the land property boundaries on the downstream side of the State Highway 2 bridge across the Whakatane River, between Map Grid References 6353005 N - 2859162 E and 6352827 N - 2859249 E.
Nukunui-a-Toia River:	The River Mouth is located Between Map Grid References 6344717 N - 2870346 E and 6344736 N – 2870365 E. The CMA boundary is located at the downstream side of the Cheddar Valley road access bridge, between Map Grid References 6344608 N - 2870430 E and 6344643 N - 2870468 E.



Waiotahi River:	The River Mouth is located Between Map Grid References 6346963 N - 2878029 E and 6346995 N – 2878031 E. The CMA boundary is located on the downstream side of the State Highway 2 Bridge that crosses the Waiotahi River, between Map Grid References 6346859 N - 2878154 E and 6346951 N - 2878191 E.
Waioeka:	The River Mouth is located Between Map Grid References 6346606 N - 2885638 E and 6346545 N – 2885705 E. The CMA boundary is located at the northern end of the Waioeka River island downstream of the State Highway 2 bridge. The CMA boundary is between Map Grid References 6346192 N - 2885486 E and 6346297 N - 2885247 E.
Otara:	The River Mouth is located Between Map Grid References 6347194 N - 2886301 E and 6347189 N – 2886251 E. The CMA boundary is located in a straight line with River Street in Opotiki, between Map Grid References 6347405 N - 2886261 E and 6347414 N - 2886112 E.
Waiau River:	The River Mouth is located Between Map Grid References 6347761 N - 2895592 E and 6347760 N – 2895612 E. The CMA boundary is located in line with eth property boundaries on the downstream side of the State Highway 35 Bridge, between Map Grid References 6347666 N - 2895648 E and 6347663 N - 2895568 E.
Tirohanga River:	The River Mouth is located Between Map Grid References 6347681 N - 2891333 E and 6347680 N – 2891338 E. The CMA boundary is located on the downstream side of the State Highway 35 bridge, between Map Grid References 6347656 N - 2891332 E and 6347653 N – 2891353 E.
Torere River:	The River Mouth is located Between Map Grid References 6354840 N - 2908494 E and 6354841 N – 2908528 E. The CMA boundary is located on property boundaries on the downstream side of the State Highway 35 bridge, between Map Grid References 6351306 N - 2904202 E and 6351341 N – 2904215 E.
Hawai River:.	The River Mouth is located Between Map Grid References 6351405 N - 2904151 E and 6351410 N – 2904170 E. The CMA boundary is located on the downstream side of the State Highway 35 bridge, between Map Grid References 6354673 N - 2908391 E and 6354697 N – 2908461 E.
Motu River	The River Mouth is located Between Map Grid References 6361806 N - 2914374 E and 6361219 N – 2914086 E. The CMA boundary is located 1000 metres upstream between Map Grid References 6361393 N - 2915250 E and 6360760 N – 2915013 E.
Haparapara River:	The River Mouth is located Between Map Grid References 6367571 N - 2920234 E and 6367306 N - 2920088 E. The CMA boundary is located between Map Grid References 6367392 N - 2920704 E and 6367249 N - 2920626 E.
Kereu River:	The River Mouth is located Between Map Grid References 6377170 N - 2926015 E and 6377067 N – 2925941 E. The CMA boundary is located between Map Grid References 6376933 N - 2926121 E and 6377074 N - 2926226 E.



Raukokore River:	The River Mouth is located Between Map Grid References 6382209 N - 2939212 E and 6382057 N - 29388691 E. The CMA boundary is located between Map Grid References 6381754 N - 2940297 E and 6381144 N - 2939343 E.
Whangaparaoa River:	The River Mouth is located Between Map Grid References 6391537 N - 2951323 E and 6391672 N - 2951305 E. The CMA boundary is located in a straight line from the private track on the south side of the River to the adjacent opposite river bank, between Map Grid References 6391730 N - 2951953 E and 6391878 N - 2951955 E.



SECOND SCHEDULE:

Part Two - Width of the agreed and set mouth of rivers identified in the First Schedule to this agreement

Waiau River:	10m	Rangitaiki River:	105m
Uretara Stream:	28m	Whakatane River	130m
Tuapiro Creek:	42m	Nukuhou River	27m
Te Mere Stream or Ngututuru Stream:	5m	Waiotahi River	32m
Te Mania Stream:	5m	Waioeaka	90m
Aongatete River:	27m	Otara	50m
Wainui River:	20m	Waiaua River	20m
Stream Near Apata:	5m	Tirohanga River	5m
Waipapa River:	17m	Torere River	20m
Te Puna Stream:	12m	Hawai River	34m
Kaituna River:	103m	Motu River	654m
Wairoa River:	100m	Haparapara or Waikakariki River	300m
Waimapu River	35m	Kereu River	125m
Waitahanui Stream:	20m	Raukokore River	375m
Tarawera River:	100m	Whangaparaoa River	136m

