

Fisheries (Central Area Commercial Fishing) Amendment Regulations (No 4) 2004

Pursuant to section 297 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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- 1 Title**
- (1) These regulations are the Fisheries (Central Area Commercial Fishing) Amendment Regulations (No 4) 2004.
- (2) In these regulations, the Fisheries (Central Area Commercial Fishing) Regulations 1986¹ are called “the principal regulations”.
- 2 Commencement**
- These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

¹ SR 1986/217

3 All fishing methods prohibited in certain waters

Regulation 3 of the principal regulations is amended by adding, as subclause (2), the following subclause:

- “(2) No commercial fisher may take aquatic life by any fishing method, or be in possession of any aquatic life taken from, the following waters:
- “(a) the Mohaka River catchment, as described in Schedule 1:
 - “(b) the Whakaki Lagoon (east of Wairoa):
 - “(c) the Whanganui River catchment, as described in Schedule 2, excluding the following areas:
 - “(i) the lower Whanganui River, and any tributaries from the lower Whanganui River, below the junction of the Kaurapaoa Stream with the Whanganui River (at NZMS 260-R22, 886538, and adjacent to the historic site Kemps Pole):
 - “(ii) all ponds and dams within the Whanganui River catchment that are not connected at any time of the year to either any one of the tributaries leading into the Whanganui River or the Whanganui River itself:
 - “(d) Lake Poukawa adjacent to Te Hauke:
 - “(e) the catchments containing the Pencarrow lakes, as described in Schedule 3.”

4 New schedules added

The principal regulations are amended by adding the schedules set out in the Schedule of these regulations.

Schedule

r 4

**New schedules added to principal
regulations****Schedule 1**

r 3(2)(a)

Mohaka River catchment

The Mohaka River catchment comprises the waters enclosed by a line—

- (1) commencing at the mean high-water mark at approximately NZMS 260-X15, 736229, being approximately 1 km from the true left bank of the Mohaka River; then
- (2) proceeding in a generally northerly direction towards the easternmost section of the Mohaka Township Road, via a coastal promontory of 129 m, and following the high points to Taumatataua; then
- (3) proceeding in a generally northerly direction along the high points over the top of the Mohaka Tunnel and onto a trig named Taumatakaramu; then
- (4) following the Te Kahu Road and Ridge Road to a trig named Tirotirowhetu; then
- (5) continuing in a generally north-westerly direction along the high ground towards a trig named BL No 2 around the headwaters of the Mangaturanga Stream; then
- (6) following the high points along the ridge line adjacent to the Pukahu Road past a trig named Puketikitiki, along the high points adjacent to the Putere Road, passing on the eastern side of a trig named Pihanui No 2, around the headwaters of the Otara Stream, and following the ridge line through a trig named Pukakamea; then
- (7) in a generally westerly direction to a trig named Te Ihuoruru-maioterangi, a trig named HML No 2, the high point Te Rata (598 m), and a high point of 682 m, and crossing the Te Hoe Road lying to the west of the headwaters of the Mangahopai Stream; then
- (8) lying adjacent to the southern side of the Te Hoe Road before reaching a high point of approximately 942 m near the junction between Lake Road and Te Hoe Road (Maungataniwha Forest); then

Schedule 1—*continued*

- (9i) proceeding in a generally northerly direction adjacent to the tributaries and headwaters of the Mangahouanga Stream, passing by a high point of approximately 957 m near the end of Stihl Road; then
- (10) proceeding to 2 high points of approximately 998 m and 730 m at the headwaters of the Tatua Stream; then
- (11) proceeding in a generally westerly direction around the headwaters of the Mangahouanga Stream to the southern of 2 high points of approximately 1 020 m; then
- (12) following the ridge line in a generally south-westerly direction to a high point of approximately 1 001 m, traversing a saddle in a generally northerly direction to high points of approximately 910 m, 962 m, 1 115 m, and 1 145 m at the headwaters of the Mangakahia Stream; then
- (13) following high points to a trig named Maungataniwha No 2; then
- (14) proceeding in a generally westerly direction along the high points of approximately 1 361 m, 1 374 m, and 1 260 m, and the saddle at the headwaters of the Moerangi Stream; then
- (15) proceeding along the high points of approximately 1 001 m, 1 023 m, 1 048 m, 1 084 m, 1 013 m, 1 150 m, and 1 240 m; then
- (16) proceeding in a generally southerly direction around the headwaters of the Te Hoe River and the Kakaiti Stream, to high points of approximately 1 032 m, 1 219 m, 1 220 m, 1 210 m, and 1 210 m; then
- (17) proceeding in a generally westerly direction around the headwaters of the Whirinaki River (passing adjacent to trig numbered 10451), and a high point of 1 006 m; then
- (18) proceeding in a generally northerly direction through high points of approximately 1 010 m, 976 m, and 984 m, then proceeding in a generally westerly direction to a trig named 10421 adjacent to Plateau Road; then
- (19) proceeding around the southern side of the Plateau Road wetland to a trig numbered 52A, then proceeding to the road junction between Plateau Road and Pine Milling Road; then
- (20) proceeding in a generally north-westerly direction to a high point of approximately 826 m near the intersection of Motukuri Road and Boundary Road; then

Schedule 1—*continued*

- (21) proceeding in a generally westerly direction, across Pine Ridge Road, to a high point of approximately 854 m; then
- (22) proceeding in a generally southerly direction across Motutoa Road to a high point of approximately 801 m and to a trig named Kokomoka; then
- (23) proceeding along the high ground to the west of the tributaries of the Waipunga River to a high point of approximately 914 m and to a road-end trig named MW, a high point of 901 m; then
- (24) proceeding in a generally south-westerly direction to a high point of approximately 762 m adjacent to Matea Road and crossing State Highway 5 to reach a high point of approximately 894 m; then
- (25) following the high points to a high point named Orangikino (1 090 m), and to a high point of approximately 757 m; then
- (26) proceeding between the headwaters of the Tirikahu Stream and the Takahiapo Stream, to the high point named Ngapouatu, a high point of approximately 1 013 m, and around the headwaters of the Tirikahu Stream in a generally north-westerly direction following the high points of approximately 979 m, 1 019 m, 906 m, 904 m (at the headwaters of the Ripia River), 1 010 m, 867 m, 910 m, 934 m, and 891 m; then
- (27) crossing the Pahautea Road to a high point of approximately 815 m, to the road junction between Taharua Road and Southern Boundary Road, then to a point at NZMS 260, U18-935534; then
- (28) proceeding in a generally southerly direction to a trig named Wairango No 2 at the headwaters of the Mangakahakaha Stream, and high points of approximately 876 m and 854 m, crossing Homestead Road; then
- (29) continuing along the high points of approximately 1 005 m, crossing Clements Mill Road, to a high point named Manawakarau (1 009 m) at the headwaters of the Ngararanui Stream, continuing to high points of approximately 1 173 m, Te Iringa, around the headwaters of the Tikitiki Stream, to a high point named Whangatikitiki, continuing to follow the ridge line; then
- (30) across the Kaipo Saddle, to a high point of approximately 1 097 m, around the headwaters of the Cascade Stream to a high

Schedule 1—*continued*

- point named Maungaorangi (1 436 m), and to a high point of approximately 1 319 m, around the headwaters of the Oamaru River to a high point named Pukekotare (1 266 m); then
- (31) proceeding in a generally south-easterly direction to the Waitawhero Saddle, around the Waitawhero Stream headwaters to the Otorehinaiti Saddle, the Mangapapa Saddle, around the headwaters of the Mangatainoka River passing high points of approximately 1 260 m, 1 259 m, 1 269 m, and 1 429 m, the named high point Te Pukeohikarua (1 455 m), the headwaters of the Makino River (near a high point named Venison Top), a high point named Whetu (1 650 m), and a trig named North Kaweka 65A; then
- (32) near the trig named Kaweka, proceeding in a generally easterly direction down the Makahu Spur around the southern side of the Pinnacle Stream to the end of the Kaweka Road; then
- (33) generally following the high points adjacent to the road to an unnamed trig of approximately 1 083 m, a high point of approximately 869 m, and the road junction between Kaweka Road and Lotkow Road; then
- (34) proceeding around the southern side of the tributaries of the Anawhenua Stream, crossing the Pakaututu Road at the northern end of the Balls Clearing Reserve, to a trig numbered 12411 at the headwaters of the Mangatutu Stream; then
- (35) proceeding in a southerly direction to a high point of approximately 690 m, to the road junction between Puketitiri Road and Brownlie Road, then around the headwaters of the Inangatahi Stream; then
- (36) proceeding in a generally easterly direction to a trig named A (675 m) near Little Bush Road, proceeding to the Maniaroa Range (near a high point of approximately 722 m); then
- (37) proceeding in a generally north-easterly direction to a trig named A (812 m), and high points of approximately 767 m, 875 m, and 990 m (Te Waka Range), and a trig named Te Waka No 2, then across State Highway 5 near the Titiokura Summit to trigs named E No 2 (852 m), Wakaateo No 2, Kopua No 2, and Taraponui No 2, and following the Maungaharuru Range, passing through trigs named XIII and Kokohitoa XXVIII; then

Schedule 1—*continued*

- (38) proceeding along the high ground adjacent to the southernmost section of Borrie Road, then along Anaura Road, Willowflat Road, across State Highway 2, to a trig named Koutaumatapu (near Haliburton Road), along the high ground to a trig numbered XX (331 m), following Ponui Road, then around the headwaters of the Coquet Stream to a trig named Mohaka 85 (249 m); then
- (39) proceeding along the Mohaka Coast Road to a point at NZMS 260-W19, 710230; then
- (40) proceeding in a generally southerly direction to the coast adjacent to the end of McIvor Road, and the mean high-water mark at approximately NZMS 260-W19, 714220; then
- (41) proceeding along the mean high-water mark, across the mouth of the Mohaka River, to the point of commencement.

Schedule 2

r 3(2)(c)

Whanganui River catchment

The Whanganui River catchment comprises the waters enclosed by a line—

- (1) commencing at the mean high-water mark of the tip of the northern bank of the Whanganui River mouth (at approximately NZMS 260-R22, 793378); then
- (2) proceeding in a generally north-westerly direction along the mean high-water mark to a point adjacent the northernmost road end (near the golf course) within the suburb of Castlecliff (at approximately NZMS 260-R22, 777408); then
- (3) proceeding inland in a generally easterly direction crossing the road ends of Waitai Street and Manuka Street, past the sawmill to a high point of approximately 65 m, crossing Clarkson Avenue, passing through the junction of Mosston and Tayforth Roads, and the junction of State Highway 3 and Virginia Road; then
- (4) proceeding in a generally northerly direction to the trig of Mt Russell (125 m), passing on the eastern side of the junction of State Highway 3 and Blueskin Road; then

Schedule 2—*continued*

- (5) proceeding along Blueskin Road and Brunswick Road to Tokomaru East Road; then
- (6) proceeding along part of the Tokomaru East Road around the headwaters of the Tauraroa Stream, reaching a trig named Momeleme (219 m), and high points above the tributaries of the Whanganui River of approximately 223 m, 242 m (above the headwaters of the Kaipua Stream), and 283 m (adjacent to the Tokomaru East Road); then
- (7) proceeding in a generally north-westerly direction following the adjacent Tokomaru East Road to high points of approximately 406 m (near the locality Mangaiti), 416 m (between the tributaries of the Tatarongo Stream and the Mangaiti Stream), 483 m, 505 m, 302 m, 374 m, and 393 m (near Bruce Road); then
- (8) proceeding in a generally northerly direction to high points of approximately 454 m (adjacent to Rangitatau East Road), and 434 m (Te Tuhi Junction); then
- (9) following the ridge line adjacent to Watershed Road to near the road-end locality of Taunoka, to the high point of Purakau (630 m), and high points of approximately 546 m (on the true left side of the Kaitieke Stream), and 570 m (at the site of the derelict Maungarau Hut); then
- (10) following the Matemateaonga Track to a high point of approximately 623 m (at the headwaters of the Mangaone Stream), the Otaraheke Shelter, the trig named Mt Humphries (Whakaihuwaka), the Omaru Hut, a high point of approximately 558 m (at the headwaters of the Tanawapiti Stream), a trig numbered 12021, crossing the Upper Mangaehu Road to high points of approximately 444 m (at the headwaters of the Taumata Stream), 469 m, 503 m (at the headwaters of the Miro Stream), and 509 m, over a tunnel site, to a high point of approximately 364 m (adjacent to State Highway 43 at the Whangamomona Saddle), around the headwaters of the Mangare Stream to a high point of approximately 438 m; then
- (11) proceeding in a generally north-easterly direction to a trig named Kaieto West, crossing State Highway 43 near the Tahora Saddle, and to exclude the Tangarakau sub-catchment; then

Schedule 2—*continued*

- (12) proceeding in a generally southerly direction to high points of approximately 405 m (passing tributaries of the Whitianga Stream, and headwaters of the Kohuratahi Stream), and 314 m (near the junction of the Kohuratahi and Putikituna Roads), a trig numbered 11052, past Canoe Flat to a trig numbered 11081, then high points of approximately 395 m and 371 m; then
- (13) proceeding in a generally easterly direction to a trig numbered 11085, then to the junction of the Tangarakau River with the Whanganui River (at NZMS 260-R20, 725168); then
- (14) proceeding to a high point on the true right side of the Tangarakau River of approximately 243 m; then
- (15) proceeding in a generally northeasterly direction to high points of approximately 399 m, 492 m (Waiamaru), 391 m (Heao), 518 m (Tukutahora), and 439 m (around the headwaters of the Ohuraiti Stream); then
- (16) proceeding in a generally easterly direction to a high point of approximately 279 m (above the Ngatukuwaru Reach of the Whanganui River), to the junction of the Ohura River with the Whanganui River; then
- (17) proceeding in a generally northerly direction to high points of approximately 380 m, 409 m (Taumatamaire), and 370 m, along Koiro Road (adjacent to a trig named Otu), across River Road to high points of approximately 397 m, and 398 m (adjacent to the Kururau Road), a trig numbered 10141 (named Parapara, at the southern side of the Nihoniho Forest), and further high points Te Tawa (554 m, at the headwaters of the Kakahi Stream) and Timi (553 m); then
- (18) proceeding in a generally north-easterly direction to a high point named Opotiki (569 m); then
- (19) proceeding in a generally southerly direction along ridge lines to a high point named Okaihae (557 m), then around the headwaters of the Okaihae Stream to a high point of approximately 534 m; then
- (20) proceeding in a generally south-easterly direction to a trig named Te Peka 1698 (adjacent to Taumarunui); then
- (21) proceeding to the junction of the Whanganui and Ongarue Rivers; then

Schedule 2—*continued*

- (22) proceeding in a generally north-easterly direction along ridge lines to a trig named Whatawhata 1712, high points of approximately 410 m, 350 m (on the southern side of the Ngakonui Stream), 442 m, and 472 m (at the headwaters of the Ngapuke Stream), then across the Taumarunui Ngapuke Road; then
- (23) proceeding to a high point of approximately 580 m, a trig named Ngapuketuru (693 m), and a high point of approximately 750 m (at the headwaters of the Tatateoro Stream), then crossing a road, continuing to high points in the Pureora Forest of approximately 1 010 m and 1 002 m; then
- (24) proceeding in a generally southerly direction to high points of approximately 803 m (at the headwaters of the Pungapunga River, and adjacent to Keepa Road), 1 070 m, a trig named Hauhangaroa 1711, a high point of approximately 945 m (east of Waituhi Lookout), crossing State Highway 41 in a generally southerly direction to high points of approximately 807 m, 784 m, Tahua (801 m), and 666 m, then a summit called Maungaku, a trig named Maungakatote (862 m), and a high point of approximately 740 m; then
- (25) proceeding in a generally southerly direction to the base of the Otamangakau Dam, then along the western side of the Otamangakau Canal to the base of the Te Whaiau Dam, along its western edge, then between the Whanganui River tributaries and Te Whaiau Stream to a trig named Papaki B (751 m); then
- (26) proceeding in a generally south-easterly direction to high points of approximately 1 909 m (adjacent to North Crater) and 1 886 m (adjacent to Red Crater), then proceeding in a generally southerly direction to a trig named Mt Ngauruhoe D and high points of approximately 1 650 m (on the western ridge of the Upper Tama lake) and 1 334 m (on the western side of the Lower Tama lake); then
- (27) proceeding up the Waihohonu Ridge to high points of approximately 2 732 m (Te Heuheu), Pyramid Peak (Mt Ruapehu), a trig named Tahurangi (2 797 m); then
- (28) proceeding in a generally south-westerly direction to a trig named E No 2 (1 725 m, Turoa Skifield), down Sunset Ridge to high points of approximately 1 340 m, 1 193 m (at the headwaters of the Mangaeteroa Stream), 1 020 m, 772 m (on State

Schedule 2—*continued*

Highway 4), and 726 m (on the southern side of Orautoha Stream), along the northern side of the Makara Stream and its tributaries to the trig named Ngataumaro (620 m), and to the high point of approximately 667 m, then along a ridge line to a trig called Ameku (757 m, at the headwaters of the Mangaetoroa Stream); then

- (29) proceeding in a generally southerly direction around the western side of the Mangaetoroa Stream headwaters, crossing Mangaeturoa North Road, passing the headwaters of the Aramahoe Stream, reaching a trig named Okahurea (682 m), then to a high point of approximately 637 m, then a trig named Waipuna (749 m), following the Waipuna Road and ridge line to a trig called Ngarakauwhakarara (654 m, at the headwaters of the Whataumu Stream), then high points of approximately 576 m, and 650 m (at the headwaters of the Motuaruhe Stream), Te Konia (676 m), 621 m, and Harawera (681 m); then
- (30) proceeding in a generally south-westerly direction along the Koriniti Harawira Road at the headwaters of the Raupiu Stream to high points of approximately 624 m, Paotamariki (615 m, on the southern side of the Aramaire Stream), and 593 m; then
- (31) proceeding in a generally southerly direction to a trig named Tauakira (715 m), then to high points of approximately 620 m, 597 m, and 580 m, joining the Parihauhau Road at the headwaters of the Kahakaha Stream, continuing past high points of approximately 429 m and 275 m; then
- (32) proceeding around the headwaters of the Kaparu Stream to high points of approximately 263 m, 268 m (where the line crosses State Highway 4), 391 m (north-eastern part of Lismore Forest), Tutu (372 m, at the headwaters of the Waimatao Stream), and 286 m, a trig named Mt Mitchell (315 m), high points of approximately 297 m (adjacent to the airstrip), 272 m (at the headwaters of the Kaukatea Stream), 239 m, and 224 m (at the end of Denlair Road), reaching the Kauangaroa Road, continuing around the headwaters of the Matarawa Stream; then

Schedule 2—*continued*

- (33) proceeding in a generally westerly direction over the Mar-ton New Plymouth Railway tunnel, crossing Station Road (Fordell) and roads to Onedia and Aird, Union Line road, near the end of Holmwood Road, State Highway 3, and Kaitoke Road; then
- (34) proceeding around the northern side of Kaitoke Lake, to a high point of approximately 42 m to the north of Kaitoke Stream, crossing Airport and Landguard Roads, to a trig named Land-guard (38 m); then
- (35) proceeding to the mean high-water mark of the Whanganui River directly below the trig named Landguard, and following the true west bank of the Whanganui River to the westernmost point of the southern mouth (at approximately NZMS 260-R22, 798378); then
- (36) crossing the river to the point of commencement.

Schedule 3

r 3(2)(e)

Catchments containing Pencarrow lakes

The catchments containing the Pencarrow lakes comprise the Pen-carrow lakes (Lake Kohangapiripiri and Lake Kohangatera) and their tributaries enclosed by a line—

- (1) commencing at the mean high-water mark at a sewer outlet near Bluff Point (NZMS 260-R27, 648808); then
- (2) proceeding in a generally northerly direction to a promontory of approximately 96 m elevation; then
- (3) proceeding in a north-westerly direction to the easternmost lighthouse for Pencarrow Head; then
- (4) proceeding in a generally northerly direction along the ridge line to Mt Cameron, and high points of 188 m, a saddle above Camp Bay, a high point of 178 m, a trig named Hawtrey (AA; 343 m), and a trig called Lowry (BB; 373 m) at the headwaters of the Gollans Stream; then
- (5) proceeding in a generally southerly direction along the ridge line to high points of approximately 360 m, 285 m, 232 m, 238 m, and Sugarloaf (302 m), and along the Link Ridge to

Schedule 3—*continued*

- the Valley View Hill (east of Lake Kohangatera), and Finger Hill (at NZMS 260-R28, 670799); then
- (6) following a four-wheel drive track part-way down to the coast and continuing in a straight line to the memorial of the SS Paiaaka (at NZMS 260-R28, 663795) and onto the mean high-water mark (at NZMS 260-R28, 663795); then
- (7) proceeding to the point of commencement.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Central Area Commercial Fishing) Regulations 1986.

The amendments close the Whakaki Lagoon (near Wairoa), Lake Poukawa (Te Hauke) near Hastings, and the catchments containing the Pencarrow lakes to commercial fishing in recognition of their importance as places for customary food gathering.

The amendments also close the Mohaka River catchment and most of the Whanganui River catchment to commercial fishing to facilitate the escapement of adult freshwater eels in breeding condition.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 16 December 2004.
