



# Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 13th day of December 2004

Present:

The Right Hon Helen Clark presiding in Council

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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### Regulations

#### 1 Title

- (1) These regulations are the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004.

- (2) In these regulations, the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1986/216

## 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

## 3 Regulation 5B revoked

Regulation 5B of the principal regulations is revoked.

## 4 New regulation 23 substituted

The principal regulations are amended by revoking regulation 23, and substituting the following regulation:

### “23 All methods prohibited in certain waters

- “(1) No commercial fisher may take fish or seaweed by any fishing method, or be in possession of fish or seaweed taken, from the following waters:

“(a) Tawharanui Peninsula: the waters lying on the northern side of Tawharanui Peninsula inside an area enclosed by—

“(i) a straight line drawn from a point 36°21.8’S and 174°49.3’E in a northerly direction to a point 36°21.4’S and 174°49.6’E; then

“(ii) in a generally easterly direction, a line every point of which is one-half nautical mile from the mean high-water mark to a point 36°21.3’S and 174°51.7’E; then

“(iii) a straight line due South to the point of commencement:

“(b) Mimiwhangata Peninsula: as described in Schedule 3:

“(c) Tauranga Harbour: the waters of Tauranga Harbour, which lie south of the Tauranga–Taneatua railway bridge (at 37°41.33’S and 176°10.23’E to 37°41.22’S and 176°10.5’E).

- “(2) No commercial fisher may take aquatic life by any fishing method, or be in possession of aquatic life taken, from the following waters:

- “(a) Taharoa lakes: the interconnected lakes Taharoa (at NZMS 260-R16, 625360), Numiti and Rotoroa, and Lake Harihari (NZMS 260-R16, 610310):
- “(b) the Motu River catchment: as described in Schedule 4.”

**5 New Schedules 3 and 4 added**

The principal regulations are amended by adding the Schedules 3 and 4 set out in the Schedule.

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**Schedule**  
**New Schedules 3 and 4 added to**  
**principal regulations**

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**Schedule 3**  
**Mimiwhangata Peninsula**

r 23(1)(b)

The Mimiwhangata Peninsula comprises the area of water adjacent to Paparahi Point and Rimariki Island on the east coast of the North Auckland Land District, enclosed by a line—

- (1) commencing at the mean high-water mark of the sea at the western extremity of Lot 1, DP 89739, North Auckland Land District, being approximately latitude 35°26.08'S and longitude 174°23.08'E and proceeding due North for a distance of 1 000 m; then
- (2) proceeding initially in a generally easterly direction to a point 1 000 m due North of Ngataurau Rock; then
- (3) proceeding to a point 1 000 m due North of the northern extremity of Rimariki Island; then
- (4) proceeding in a south-easterly direction to a point 1 000 m due East of Motuwharariki Island; then
- (5) proceeding in a generally south-westerly direction to a point 1 000 m due East of the eastern extremity of Otawhanga Island; then
- (6) proceeding to a point on a bearing of 59°02.67' and at a distance of 1 000 m from the south-eastern boundary of Te Ruatahi 2A Block; then

**Schedule 3**—continued

- (7) proceeding in a generally south-westerly direction to a point at the mean high-water mark of the sea at the south-eastern boundary of Te Ruatahi 2A Block being approximately latitude  $35^{\circ}27.75'S$  and longitude  $174^{\circ}25.91'E$ ; then
  - (8) proceeding along the line of the mean high-water mark initially in a northerly direction and proceeding along that mark to the point of commencement.
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## Schedule 4

### Motu River catchment

r 23(2)(b)

The Motu River catchment comprises the waters of the Motu River catchment enclosed by a line—

- (1) commencing at the mean high-water mark at Tokata Point, eastern Bay of Plenty; then
- (2) proceeding in a generally easterly direction to a trig named Oariki 1315 (245 m); then
- (3) following the ridge lines and high points of approximately 556 m (Taurangakoau), 725 m, 995 m (near the headwaters of the Huaero Stream), 1 109 m, and 1 320 m, a trig named Puketauhinu (1 475 m), and the high point of 1 342 m (at the headwaters of the Mangatutara Stream); then
- (4) proceeding in a generally southerly and then westerly direction along the southern Mangatutara Stream ridge line passing near the high points of approximately 1 426 m (at the headwaters of the Mangatiko Stream), 1 387 m (near the headwaters of the Ruatahunga Stream), 1 246 m (adjacent to the western side of the Ruatahunga Stream), 1 253 m, and 1 170 m; then
- (5) proceeding in a generally southerly direction passing the headwaters of the Kahoka Stream and the headwaters of the Kokopumatara Stream; then
- (6) proceeding past the high point of Tamarere (approximately 1 325 m), to a trig named Arowhana (1 439 m); then
- (7) proceeding in a generally south-westerly direction to a trig numbered 8076 (at the headwaters of the Waimatau Stream), a trig named Pukekiore M9 (974 m), and a high point of approximately 945 m (to the east of a trig named Tuanuiotekahakaha); then
- (8) proceeding along a ridge line passing the headwaters of Whakamaria Stream, Te Kumukumu Stream, and Jacksons Stream, passing through a trig named Maungahaumi (approximately 1 213 m); then
- (9) continuing to follow the ridge line, proceeding in a generally westerly direction through a trig named K of approximately 1 006 m, and a trig named Matawai (approximately 964 m); then

**Schedule 4**—continued

- (10) crossing State Highway 2 at a point halfway between the localities of Matawai and Rakauoa (near Tawai), reaching a trig numbered 8843 of approximately 762 m; then
- (11) heading in a generally southerly direction to a trig numbered 137B (approximately 1 068 m), then a high point east of the locality Koranga named the Dome (approximately 1 021 m, at the headwaters of the Motu River); then
- (12) proceeding in a generally north-westerly and northerly direction along ridge lines and a high point of 753 m (adjacent to the Te Wera Road), a trig named O (approximately 1 018 m), high points of 815 m, 988 m (adjacent to Moanui Road), 957 m (previously known as Johnstone), and 962 m, crossing State Highway 2 at Traffords Hill, to a trig numbered 8841, a high point named Pokaikiri (925 m), trigs named O (907 m), Moutohora 149 (1 040 m), IIIA (738 m), Taumataokaretu 770 (796 m, approximately 2 km north of Motu Village), and Onukuroa (780 m); then
- (13) proceeding in a generally north-westerly direction along the part of the Motu Road, ridge lines, or high points passing the locality Whitikau to trigs named Papamoa 765 (787 m), Te Weraakauanga 626 (600 m, adjacent to the Motu Road), Te Pakora No 1 (826 m), a high point of 717 m, and around the headwaters of the Oiratiti Stream to a trig named Hoiataikahu 525 (650 m); then
- (14) proceeding in an easterly direction around the headwaters of the Rawea Stream to a high point of approximately 620 m (adjacent to the Rurupori Stream); then
- (15) proceeding in a generally north-easterly direction along ridge lines to a trig numbered 7921 (707 m, to the east of a trig named Pukeiahonoa (701 m)); then
- (16) proceeding around the headwaters of the Pukuranui Stream to a trig named Puketoetoe 1313 (1 120 m), then to a high point named Pukehou (approximately 975 m) at the headwaters of the true left fork of the Manuriki Stream; then
- (17) proceeding in a generally north-westerly direction to high points Otaitapu (518 m) on the eastern side of the Hawaii River tributaries, Te Ipuhinu (381 m), and 247 m (at the headwaters of the Matawai Stream); then

**Schedule 4**—continued

- (18) following the high points to reach State Highway 35 (around the headwaters of the Houpoto Stream), then following State Highway 35 in a generally north-easterly direction to a trig named Parinui (224 m), before proceeding down to the mean high-water mark on the point at the northern end of Te Uritukituki Beach (at NZMS 260-X15, 106587); then
- (19) proceeding to the point of commencement, crossing the Motu River at its mouth.

Diane Morcom,  
Clerk of the Executive Council.

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**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 (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 (the principal regulations).

The main changes are—

- regulation 5B of the principal regulations, which restricts the taking of paddle crab and certain other species, is revoked because paddle crab entered the quota management system on 1 October 2002 and restrictions on the other species are no longer considered relevant;
- the interconnected lakes Taharoa, Numiti, Rotoroa, and Lake Harihari south of Kawhia are closed to commercial fishing in recognition of their importance as places for customary food gathering;
- the Motu River catchment is closed to commercial fishing to facilitate the escapement of adult freshwater eels in breeding condition:

**Fisheries (Auckland and Kermadec Areas  
Commercial Fishing) Amendment  
Regulations 2004**

Explanatory note

2004/455

- drafting changes are made by moving the existing description of Mimiwhangata Peninsula from regulation 23 of the principal regulations into the new Schedule 3. Subclauses (4) and (6) are revoked because they are spent.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 16 December 2004.

These regulations are administered in the Ministry of Fisheries.

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