

The Fisheries (Hastings Commercial Fishing Restrictions) Notice 1984

PURSUANT to section 89 of the Fisheries Act 1983 and the Fisheries (Commercial Fishing) Regulations 1983, the Director-General of Agriculture and Fisheries hereby gives the following notice.

NOTICE

1. Title and commencement—(1) This notice may be cited as the Fisheries (Hastings Commercial Fishing Restrictions) Notice 1984.
(2) This notice shall come into force on the day after the date of its publication in the *Gazette*.

2. Interpretation—(1) In this notice, unless the context otherwise requires,—

“Danish seine net” means a net which has a wing on each side of a cod-end with a rope or fibrous warp attached to each wing and which is operated by being drawn over the bed of any waters or through any waters, the net being hauled to the vessel or to more than one vessel by a winch or other mechanical device or by hand;

“Danish seining” means the use of a Danish seine net;

“Finfish” includes the Classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes);

“Mussel” means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*);

“Net” includes any net capable of being used to take fish, but does not include a whitebait net;

“Overall length” means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel;

“Pair trawling” means any net that is towed or hauled through the water by more than one vessel;

“Paua” includes the ordinary paua (*Haliotis iris*) and the yellow foot paua (*Haliotis australis*);

“Rock lobster” means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster);

“Rock lobster pot” means any pot, whether baited or not, which is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters;

“Set net” includes a gill net, drift net, trammel net, or any other sort of net which acts by encircling or entangling any fish;

“Trawl net” means any net, or part thereof (not including a Danish seine net) that is used by being drawn over the bed of any water or through any waters by one or more vessels or mechanical devices.

(2) Words and expressions in this notice which are defined in the Fisheries Act 1983 shall, unless the context otherwise requires, have the meanings so defined.

3. Set netting prohibited—No person shall use a set net in the following waters:

(a) *Mahia Peninsula*: All those waters lying within 2 nautical miles from a line commencing at Boat Harbour (at 39° 0.7' S and 177° 53.5' E) and proceeding along the mean high-water mark around Mahia Peninsula to the mouth of the Nuhaka River (at 39° 03.5' S and 177° 45' E);

(b) *Portland Island*: All those waters lying within 2 nautical miles from the mean high-water mark of the shore of Portland Island.

4. Trawling and Danish seining prohibited—No person shall use a trawl net or Danish seine net in any of the following waters:

(a) *Waipatiki Stream to Cape Kidnappers*: All those waters lying inside a straight line commencing at Cape Kidnappers Lighthouse (at 39° 38.8' S and 177° 05.5' E) thence to the mouth of the Waipatiki Stream (at 39° 18.1' S and 176° 58.6' E), thence proceeding along mean high-water mark to the point of commencement;

Provided that nothing in this paragraph shall prohibit the use of a trawl net by a vessel of less than 13.5 m overall length;

(b) *Petane Beach to Ahuriri Bluff*: All those waters of Hawke Bay lying inside a straight line drawn from Petane Beach (at 39° 27.02' S and 176° 52.4' E) to the easternmost point of Ahuriri Bluff (at 39° 28.9' S and 176° 55.15' E);

(c) *Ahuriri Bluff to Tuki Tuki River mouth*: All those waters of Hawke Bay lying inside a straight line drawn from the easternmost point of Ahuriri Bluff (at 39° 28.9' S and 176° 55.15' E) to the eastern bank of the mouth of the Tuki Tuki River (at 39° 36.05' S and 176° 56.8' E);

(d) *Mahia Peninsula*: All those waters lying within 2 nautical miles from a line commencing at Boat Harbour (at 39° 0.7' S and 177° 53.5' E) and proceeding along the mean high-water mark around Mahia Peninsula to the mouth of the Nuhaka River (at 39° 03.5' S and 177° 45' E);

(e) *Portland Island*: All those waters lying within 2 nautical miles from the mean high-water mark of the shore of Portland Island.

5. Pair trawling prohibited from Cape Runaway to Castle Point—No person shall use a trawl net towed by more than one vessel in all those waters lying within a line commencing at Cape Runaway (at 37° 32.3' S and 177° 59.4' E) and proceeding in a true North direction to the boundary of the Exclusive Economic Zone; thence in a generally southerly direction along that boundary to a point 40° 54.01' S and 173° 45' W; thence in a true West direction to Castle Point (at 40° 54.01' S and 176° 13.3' E); thence in a generally northerly direction along the mean high-water mark to the point of commencement.

6. Taking shellfish—(1) *Mahia Peninsula*: No person shall take shellfish from that area below mean high-water mark between Pareta (at 38° 57.05' S and 177° 54.2' E) and the mouth of the Nuhaka River (at 39° 03.5' S and 177° 45' E), including the coast of Mahia Peninsula or from waters adjacent thereto or from the coast of Portland Island or the waters adjacent thereto.

(2) *Cape Runaway to Blackhead Lighthouse*: No person shall take any paua from those waters below mean high-water mark between Cape Runaway (at 37° 32.3' S and 177° 59.4' E) in the north, and Blackhead Lighthouse (at 40° 13.2' S and 176° 47.2' E) in the south, including the waters adjacent to the coast of Portland Island and East Island.

(3) *Cape Runaway to Nuhaka River*: No person shall take any mussels from those waters below mean high-water mark between Cape Runaway (at 37° 32.3' S and 177° 59.4' E) in the north, and the mouth of the Nuhaka River (at 39° 03.5' S and 177° 45' E) in the south, including the waters adjacent to the coast of Portland Island and the coast of East Island.

7. All fishing methods prohibited in certain waters—(1) No person shall take any fish by any fishing method from the following waters:

(a) *Horokaka, Mahia Peninsula*: All those waters lying inside a line commencing at the point 39° 05.26' S and 177° 57.25' E near Auroa Point; thence in a northwesterly direction to a point 39° 04.20' S and 177° 56.21' E; thence in a southwesterly direction to the point 39° 05.27' S and 177° 55.42' E; thence proceeding along mean high-water mark to the point of commencement;

(b) *Pariokena Point to Rarohenga Stream, Mahia Peninsula*: All those waters lying inside a line commencing at Pariokena Point (at 39° 05.30' S and 177° 57.45' E); thence in an easterly direction to a point 39° 05.31' S and 177° 59.40' E; thence in a southerly direction to the mouth of the Rarohenga Stream (at 39° 06.15' S and 177° 59.42' E); thence proceeding along the mean high-water mark to the point of commencement;

(c) *Te Hoe Point to Waikokopu Breakwater, Mahia Peninsula*: All those waters lying inside a straight line drawn from Te Hoe Point (at 39° 07.10' S and 177° 51.13' E) to the Waikokopu Breakwater (at 39° 04.31' S and 177° 49.45' E);

(d) *Waimarama*: All those waters lying inside a line commencing at the mouth of the Waipuka Stream (at 39° 44.8' S and 177° 0.6' E); thence in a southeasterly direction to a point 39° 50.1' S and 177° 02.6' E; thence in a southwesterly direction to a point 39° 52' S and 176° 58.8' E; thence along the mean high-water mark to the point of commencement.

(2) For the purposes of subclause (1) (d) of this clause, the waters therein described shall include the upwelling known as Ngapuhake to the southeast of Bare Island.

8. Taking of finfish from Wairoa Hard prohibited—No person shall take any finfish from all those waters of Hawke Bay enclosed by a line commencing at the mouth of the Moeangiangi River at a point 39° 14.9' S and 177° 01.4' E; thence proceeding in a south-easterly direction to a point 39° 16.6' S and 177° 07.6' E; thence proceeding in a northeasterly direction to a point 39° 11.3' S and 177° 21.2' E; thence proceeding in a northwesterly direction to the Waihua River mouth to a point 39° 05.7' S and 177° 17.1' E; thence proceeding along mean high-water mark to the northernmost bank of the mouth of the Mohaka River (at 39° 07.03' S and 177° 11.03' E); thence proceeding by a straight line to the southernmost bank of the mouth of the Mohaka River (at 39° 07.04' S and 177° 11.02' E); thence proceeding along mean high-water mark to the point of commencement.

9. Revocation—The Fisheries (Hastings Commercial Fishing Restrictions) Notice 1983* is hereby revoked.

Dated at Wellington this 28th day of February 1984.

M. J. BELGRAVE,
Assistant Director-General of Agriculture and Fisheries.

*S.R. 1983/313

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice continues certain restrictions on commercial fishing in the Hastings District imposed by S.R. 1983/313, and extends a no-fishing area to include an area around Waimarama.

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