

1984/96



## THE FISHERIES (NELSON 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.

### ANALYSIS

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### NOTICE

**1. Title and commencement**—(1) This notice may be cited as the Fisheries (Nelson Commercial Fishing Restrictions) Notice 1984.

(2) This notice shall come into force on the day after the date of its notification in the *Gazette*.

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

“Cod-end” means that end part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net carried on a vessel—

(a) Up to 10 m overall length of vessel, not less than the last 3 m of net:

(b) Ten to 20 m overall length of vessel, not less than the last 5 m of net:

(c) Twenty to 30 m overall length of vessel, not less than the last 10 m of net:

(d) Thirty to 40 m overall length of vessel, not less than the last 15 m of net:

(e) Over 40 m overall length of vessel, not less than the last 20 m of net:

“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 using a Danish seine net:

“Day” means a period of 24 hours computed from midnight to midnight:

- “Drag net” or “beach seine net” means any net or part thereof that is operated by being drawn over the bed of any waters or through any waters; but does not include a trawl net; purse seine net, Danish seine net, or lampara net:
- “Dredge” means a device towed on or over the seabed capable of catching shellfish; and includes a box dredge or ring dredge:
- “Hand-gathering” includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed:
- “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:
- “Otter board” means any device, including a paravane, used or capable of being used to keep a net or a trawl net open:
- “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:
- “Scallop” means the mollusc *Pecten novaezelandiae*:
- “Set net” includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing or entangling any fish:
- “Snapper” means the fish of which the scientific name is *Chrysophrys auratus*:
- “Surrounding net” includes a drum seine net, pursue seine net, lampara net, and all modes of fishing whereby fish are encircled:
- “Trawl net” means any net (other than a Danish seine net) or part thereof, 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. Restrictions on drag netting**—(1) Except as provided in subclause (2) of this clause, no person shall take any snapper using a drag net, and no person shall possess or convey any snapper taken using a drag net, at any time in those waters of Queen Charlotte Sound lying inside a straight line drawn from Cape Jackson (at 40°59.8'S and 174°18.9'E) to Cape Koamaru (at 41°5.5'S and 174°23'E) and those waters of Tory Channel lying inside a straight line drawn from East Head (at 41°12.8'S and 174°19.4'E) to West Head (at 41°12.9'S and 174°18.9'E).

(2) The use of a drag net with a combined warp length not exceeding 200 m shall be permitted within those waters and during those times otherwise prohibited by subclause (1) of this clause if the drag net is used for the purpose of taking fish for bait only.

**4. Trawling prohibited**—(1) *Golden Bay*: No person shall use a trawl net at any time during the period commencing with the 1st day of November in any year and expiring with the 30th day of April in the year following in Golden Bay inside a line from Pakawau Bridge (at 40°35.4'S and 172°41.1'E) to the southernmost point of the southernmost island of the Tata Islands (at 40°48.4'S and 172°54.6'E); thence in a straight line to the boat ramp at Tata Beach (at 40°48.7'S and 172°54.8'E).

(2) *Pelorus Sound and Queen Charlotte Sound*: No person shall use a trawl net at any time in those waters of Pelorus Sound and Queen Charlotte

Sound inside a straight line drawn from Harding Point (at 40°54.5'S and 174°0.9'E) to Cape Jackson (at 40°59.8'S and 174°18.9'E) to Cape Koamaru (at 41°5.5'S and 174°23'E) and a straight line drawn from East Head (at 41°12.8'S and 174°19.4'E) to West Head of Tory Channel (at 41°12.9'S and 174°18.9'E).

**5. Trawling in Pelorus Sound permitted subject to certain restrictions**—Notwithstanding clause 4 (2) of this notice, trawling shall be permitted in those waters lying inside a line from Harding Point (at 40°54.5'S and 174°0.9'E) to Cape Jackson (at 40°59.8'S and 174°18.9'E) but outside a line commencing from Cregoe Point (at 173°49.9'E and 41°03.3'S) to Camel Point (at 173°48.6'E and 41°02.0'S) to Sheep Point (at 173°48.8'E and 41°01.2'S); and from Turn Point Light (at 173°52.0'E and 41°01.2'S) to Penguin Bay reef (at 173°51.1'E and 41°08.1'S) during the period commencing with the 1st day of April in any year and expiring with the 31st day of August in the same year, subject to the following restrictions:

- (a) The mesh size in any part of the trawl net is not less than 108 mm;
- (b) Single vessel trawling only is carried out;
- (c) The headline of the net does not exceed 9 m in length;
- (d) The combined length of the extension and bridles between the wing of the net and the otter board does not exceed 45 m.

**6. Pair trawling prohibited in Tasman Bay**—No person shall use a pair trawl net with a cod-end mesh size of less than 125 mm within those waters of Tasman Bay lying inside a line drawn from the north-westernmost point of Pepin Island (at 41°8.5'S and 173°24.8'E) to the easternmost extremity of Adele Island (at 40°58.7'S and 173°4.2'E); thence by mean high-water mark in a westerly direction to the northernmost point of Adele Island (at 40°58.5'S and 173°3.5'E); thence to the nearest part of the mainland (at 40°58.5'S and 173°2.9'E), during the period commencing with the 1st day of October in any year and expiring with the last day of February in the year following.

**7. Fishing restrictions**—(1) *Double Cove, Queen Charlotte Sound*: No person shall take any fish or be in possession of any fish taken from those waters of Queen Charlotte Sound lying inside a line from Nohokouau Point (at 41°14.4'S and 174°0.5'E) to the southernmost point of the peninsula (at 41°14.5'S and 174°1.4'E) lying between Double Cove and Torea Bay.

(2) *Separation Point Fisheries Area*: No person shall use a trawl net, a Danish seine net or a dredge in those waters of Golden Bay and Tasman Bay enclosed by a line commencing from a point at 40°49.0'S and 173°01.0'E; thence on a true compass bearing of 076° to a point at 40°47.7'S and 173°07.7'E; thence on an arc at a radius of 6 nautical miles from Separation Point Light (at 40°47'S and 172°59.9'E) to a point at 40°41'S and 172°59.5'E; thence on a true compass bearing of 195° to a point at 40°47.4'S and 172°57.3'E; and thence along the line of mean low-water mark to the point of commencement.

**8. Taking snapper in Tasman Bay and Golden Bay**—When more than 400 tonnes of snapper have been taken from that area of Tasman Bay and Golden Bay inside a line drawn from the easternmost point of Farewell Spit (at 40°33.5'S and 173°2'E) to Cape Stephens (at 40°41.6'S and 173°57'E), and inside a straight line drawn from Sauvage Point (at 40°56.7'S and 173°46.3'E) to Okuri Point (at 40°58.7'S and 173°45.7'E), at any time

during the period commencing with the 1st day of October in any year and expiring with the last day of February in the year following, the use of a pair trawl net or a Danish seine net is prohibited, and the taking of snapper by surrounding nets is prohibited in those waters of Tasman Bay lying inside a straight line drawn from the north-westernmost point of Pepin Island (at 41°8.5'S and 173°24.8'E) to the easternmost point of Adele Island (at 40°58.7'E and 173°4.2'E) thence by mean high-water mark in a westerly direction to the northernmost point of Adele Island (at 40°58.5'S and 173°3.5'E) to the nearest part of the mainland (at 40°58.5'S and 173°2.9'E).

**9. Taking scallops**—For the purpose of taking scallops inside those waters bounded by a line commencing at Kahurangi Point (at 40°46.7'S and 172°13.2'E) on the west coast of the South Island and proceeding westerly along the 40°47' South parallel of latitude to its intersection with the 171°50' East meridian of longitude; thence northerly along that meridian of longitude, to its intersection with the 40°15' South parallel of latitude; thence easterly along that parallel of latitude to its intersection with the 174°30' East meridian of longitude; thence southerly along that meridian of longitude to its intersection with the 41°44' South parallel of latitude; thence westerly along that parallel of latitude to Cape Campbell (at 41°43.8'S and 174°16.6'E) on the east coast of the South Island; thence generally north-westerly along the mean high-water mark of the sea to the point of commencement excluding therefrom all areas of land above the mean high-water mark of the sea, the following conditions shall apply:

- (a) Notwithstanding any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983 relating to shellfish dredge requirements, registered fishing vessels dredging for scallops may use no more than 2 dredges, the bar or bit of each of which shall not exceed 2.5 m in length;
- (b) No person shall dredge for scallops between sunset and sunrise;
- (c) Scallop dredging shall be done only during the period commencing with the 1st day of September and expiring with the 30th day of October in any year;
- (d) No tines are used on scallop dredges;
- (e) No person shall take scallops from those waters on the landward side of a line drawn from Foul Point (at 40°54.4'S and 173°3.8'E) to Adolphe Point (at 40°57.8'S and 173°4.2'E) to Jules Point (at 40°58.7'S and 173°4.1'E) on Adele Island; thence by mean high-water mark to the southeastern tip of Adele Island (at 40°59.2'S and 173°3.8'E) to the southeastern tip of Fishermens Island (at 40°59.7'S and 173°3.2'E) to Guilbert Point (at 40°59.5'S and 173°2.2'E).

**10. Taking mussels**—(1) No person shall take mussels from those waters of Queen Charlotte Sound inside a straight line drawn from Pihaka Point (at 41°13.9'S and 174°2.4'E) to Karaka Point (at 41°15.3'S and 174°3.9'E).

(2) No person shall take mussels by any fishing method other than hand-gathering from those waters of Queen Charlotte Sound lying inside a line drawn from Cape Jackson (at 40°59.8'S and 174°18.9'E) to Cape Koamaru (at 41°5.5'S and 174°23.0'E) and those waters of Tory Channel lying inside a line drawn from East Head (at 41°12.8'S and 174°19.4'E) to West Head (at 41°12.9'S and 174°18.9'E).

(3) No person shall take any mussels at any time during the period commencing with the 1st day of November in any year and expiring with the last day of February in the year following from those waters bounded by a line commencing at Kahurangi Point (at 40°46.7' S and 172°13.2' E) on the west coast of the South Island and proceeding westerly along the 40°47' South parallel of latitude to its intersection with the 171°50' East meridian of longitude; thence northerly along that meridian of longitude to its intersection with the 40°15' South parallel of latitude; thence easterly along that parallel of latitude to its intersection with the 174°30' East meridian of longitude; thence southerly along that meridian of longitude to its intersection with the 41°44' South parallel of latitude; thence westerly along that parallel of latitude to Cape Campbell (at 41°43.8' S and 174°16.6' E) on the east coast of the South Island; thence generally northwesterly along the mean high-water mark of the sea to the point of commencement excluding therefrom all areas of land above the mean high-water mark of the sea.

**11. Taking oysters**—For the purpose of taking oysters inside those waters bounded by a line commencing at Kahurangi Point (at 40°46.7' S and 172°13.2' E) on the west coast of the South Island and proceeding westerly along the 40°47' South parallel of latitude to its intersection with the 171°50' East meridian of longitude; thence northerly along that meridian of longitude to its intersection with the 40°15' South parallel of latitude; thence easterly along that parallel of latitude to its intersection with the 174°30' East meridian of longitude; thence southerly along that meridian of longitude to its intersection with the 41°44' South parallel of latitude; thence westerly along that parallel of latitude to Cape Campbell (at 41°43.8' S and 174°16.6' E) on the east coast of the South Island; thence generally northwesterly along the mean high-water mark of the sea to the point of commencement excluding therefrom all areas of land above the mean high-water mark of the sea, the following conditions apply:

(a) Notwithstanding any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983 relating to shellfish dredge requirements, registered fishing vessels dredging for oysters may use no more than 2 dredges, the bar or bit of each of which shall not exceed 2.5 m in length:

(b) No person shall dredge for oysters between sunset and sunrise:

(c) No person shall take oysters from those waters on the landward side of a line drawn from Foul Point (at 40°54.4' S and 173°3.8' E) to Adolphe Point (at 40°57.8' S and 173°4.2' E) to Jules Point (at 40°58.7' S and 173°4.1' E) on Adele Island; thence by mean high-water mark to the southeastern tip of Adele Island (at 40°59.2' S and 173°3.8' E) to the southeastern tip of Fishermens Island (at 40°59.7' S and 173°3.2' E) to Guilbert Point (at 40°59.5' S and 173°2.2' E).

**12. Revocation**—The Fisheries (Nelson Commercial Fishing Restrictions) Notice 1983\* is hereby revoked.

Dated at Wellington this 27th day of March 1984.

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

## 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 Nelson district imposed by the Fisheries (Nelson Commercial Fishing Restrictions) Notice 1983 (S.R. 1983/314), but institutes new provisions relating to commercial fishing in Pelorus Sound.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 April 1984.

This notice is administered in the Ministry of Agriculture and Fisheries.