

1985/26



**THE FISHERIES (CHRISTCHURCH COMMERCIAL FISHING
RESTRICTIONS) NOTICE 1985**

PURSUANT to section 89 of the Fisheries Act 1983 and to 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 (Christchurch Commercial Fishing Restrictions) Notice 1985.

(2) This notice shall come into force on the 1st day of March 1985.

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

“Chatham Islands rock lobster fishery” means the rock lobster fishery bounded by all that area of New Zealand fisheries waters enclosed by a line commencing at the point 40°25′ S and 178°W on the outer limits of the exclusive economic zone; then proceeding along the outer limits of the zone to the point 51°50′ S and 174°35′ E; then proceeding in a straight line to the point 50°55′ S and 173°50′ E; then proceeding along the outer limits of the zone to the point 48°15′ S and 174°E; then proceeding in a straight line to the point of commencement:

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

“Eel” means the shortfin eel (*Anguilla australis*) and the longfin eel (*Anguilla dieffenbachii*):

“Fyke net” means any net, fish trap; or part thereof, which is used or is capable of being used to take eels; and includes a Hinaki trap:

“Herring” means the yellow-eyed mullet (*Aldrichetta forsteri*); but does not include the pilchard or sardine, or the species *Mugil cephalus* known as mullet or kanae:

“Hinaki trap” means any trap capable of taking eels:

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

“Pilchard or sardine” means the fish of which the scientific name is *Sardinops neopilchardus*; and includes the fish commonly known as sprats (*Sprattus* spp.):

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

“Trawl net” means any net or part thereof (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) which has a buoyancy system on the top edge and is weighted on the bottom edge and is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway:

“Whitebait net” means any net, contrivance, instrument, or device used, or capable of being used, for taking whitebait.

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

3. Netting requirements—(1) No person shall use any net other than a fyke net for taking fish—

(a) In the waters of Kaiapoi River and its tributaries upstream from the Williams Street Bridge:

(b) During the period commencing with the 1st day of February in any year and ending with the 30th day of April in the same year, in the waters of—

(i) The Kaiapoi River and its tributaries downstream from the Williams Street Bridge; and

(ii) That part of the Waimakariri River lying within straight lines drawn from the site of a white post on the north bank of the Waimakariri River 200 m downstream of the mouth of the Kaiapoi River to the site of a white post on the south bank of the Waimakariri River; and thence by straight line to the site of a white post on the north bank of the Waimakariri River 200 m upstream of the mouth of the Kaiapoi River; and thence by a straight line to the point of commencement (the post on the south bank being situated approximately mid-way between the 2 posts on the north bank).

(2) No person shall, in the waters of Lake Ellesmere, use for taking fish other than herring any net with a mesh size of less than 100 mm:

Provided that a fyke net used solely for taking eels may have a mesh size of not less than 12 mm.

(3) As from the commencement of this notice until the 1st day of June 1985 and notwithstanding subclause (2) of this clause, no person shall use for taking fish in the waters of Lake Ellesmere—

(a) Any net with any mesh of a size between 70 mm and 100 mm:

(b) Any net more than 9 meshes deep, when the mesh is of a size exceeding 100 mm:

(c) Any net more than 25 meshes deep, when the mesh is of a size of not more than 70 mm:

Provided that nothing in paragraphs (b) or (c) of this subclause shall apply to a fyke net used solely for taking eels if the mesh size of any such net is not less than 12 mm.

*S.R. 1983/295
Amendment No. 1: S.R. 1984/137
Amendment No. 2: S.R. 1984/341

(4) No person fishing with a set net in the waters of Lake Ellesmere or Lake Forsyth shall leave the net in the water (without underrunning the net and removing any fish that have been caught) for more than the following periods:

(a) Between the 1st day of November in any year and the 30th day of April in the following year (both days inclusive), a period of 12 hours; or

(b) Between the 1st day of May and the 31st day of October (both days inclusive) in any year, a period of 24 hours.

(5) No person shall—

(a) Use any net for taking fish in any river or stream which flows into Lake Ellesmere:

(b) Use any net for taking fish in the waters of Lake Ellesmere lying within an arc of a circle having a radius of 1.2 km around the centre of the mouth of—

(i) The Irwell River:

(ii) Harts Creek:

(iii) The Selwyn River:

(iv) The No. 2 Drain:

(v) The Halswell River—

where the points of that circular arc meet the shore of the lake, and are indicated in each case by a post painted with alternate black and yellow bands approximately 30 cm in height each, and each post being surmounted by a triangular plate, painted yellow.

(6) For the purpose of subclause (5) of this clause, the mouth of any river or stream shall be deemed to be the place where the waters of the river or stream meet the waters of the lake and, in any case where a river or stream has more than one mouth, shall be deemed to include every outlet thereof and the shore of the lake between those outlets.

4. Trawling prohibited—No person shall use a trawl net in any of the following areas:

(a) *Pegasus Bay*: The waters of Pegasus Bay lying inside straight lines drawn from the north bank of the mouth of the Waimakariri River (at 43°23.2'S and 172°42.6'E) to Godley Head lighthouse (at 43°35.4'S and 172°48.5'E) to Beacon Rock (at 43°36.3'S and 172°51.6'E) to Wakaroa Point (at 43°37.5'S and 172°56.0'E) to Otohauo Head (at 43°38.2'S and 172°58.8'E) to Long Lookout Point (at 43°39.1'S and 173°02.9'E) to East Head at Okains Bay (at 43°41.1'S and 173°05.2'E):

(b) *Le Bons' Bay*: The waters of Le Bons' Bay, Banks Peninsula, lying inside a straight line drawn from the north-easternmost extremity of Steep Head (at 43°44.3'S and 173°07.6'E) to the easternmost extremity of Katawa Head (at 43°43.8'S and 173°07.0'E):

(c) *Akaroa Harbour*: The waters of Akaroa Harbour lying inside a straight line drawn from the south-easternmost extremity of Timutimu Head (otherwise known as Iron Head) (at 43°54.0'S and 172°57'E) to the southernmost extremity of Te Ruahine Point (at 43°53.3'S and 172°58.2'E):

(d) *Wharekauri Island and Pitt Island in the Chatham Islands*: The waters of Petre Bay lying inside a straight line drawn from Somes Point (at 43°50.4'S and 176°53.2'W) to Durham Point (at 44°00.6'S and 176°41.0'W); and the waters of Hanson Bay lying inside a straight line drawn from Okawa Point (sometimes known as Waikeri Point)

(at 43°46.3'S and 176°14.2' W) to Manukau Point (at 44°02.1'S and 176°19.6' W), and all those waters lying within 3 nautical miles of the mean high-water mark of the shore of Wharekauri Island and Pitt Island.

5. Taking eels prohibited—(1) No person shall take eels from Lake Forsyth.

(2) No person shall take eels from those waters of Lake Ellesmere lying in a westerly direction from a straight line drawn due South from the site of a post on the north bank to the site of a post on the south bank of the arm of Lake Ellesmere near Taumutu, nor from any streams flowing into those waters.

6. Taking rock lobsters in Chatham Islands—No person shall, during the period commencing with the 1st day of March 1985 and expiring with the 30th day of April 1985, take any rock lobster from the Chatham Islands rock lobster fishery or have in possession any rock lobster taken from that fishery.

7. Prohibition on fishing in certain areas—No person shall take fish by using a trawl net or a set net during the period commencing with the 1st day of January in any year and expiring with the 30th day of April in the same year from those waters lying within 1 km seawards in any direction of a line drawn from the southernmost bank to the northernmost bank of the mouth or mouths of the following rivers:

- (a) The Rakaia;
- (b) The Ashburton;
- (c) The Rangitata;
- (d) The Waitaki.

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

Dated at Wellington this 22nd day of February 1985.

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

*S.R. 1983/315

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 Christchurch district, and corrects an error which had prohibited fyke netting in Lake Ellesmere and Lake Forsyth.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 28 February 1985.
This notice is administered in the Ministry of Agriculture and Fisheries.