

Exotic Caulerpa Controlled Area Notice 2023

This notice is given under section 131 of the Biosecurity Act 1993 (the Act) by a Chief Technical Officer of the Ministry for Primary Industries.

Exotic Caulerpa species – controlled area, movement controls, and procedures

1 Commencement

This notice comes into force at 11:59 PM on 30 April 2023.

2 Purpose

The purpose of this notice is to declare areas as controlled areas, establish movement controls, and specify treatments and procedures to enable the limitation of the spread of *Caulerpa brachypus* and *Caulerpa parvifolia* (exotic *Caulerpa* species).

3 *Caulerpa brachypus* and *Caulerpa parvifolia* are unwanted organisms

Caulerpa brachypus and *Caulerpa parvifolia* are unwanted organisms under the Act.

4 Interpretation

1) In this notice, unless the context otherwise requires, -

Act means the Biosecurity Act 1993.

Craft has the same meaning as defined in section 2 of the Act.

Permit means the written permission of an inspector or authorised person appointed under the Act, including any conditions contained in the permission.

Property means real property and includes all land, structures, and all interests in the property.

5 Controlled area declaration

1) I declare that the four zones set out below, and as defined by the maps in Schedule 1, are controlled areas in respect of exotic *Caulerpa* species under section 131(2) of the Act (the **controlled area**):

a) **Zone A:** the areas contained within the marine waters of Tryphena Harbour, Great Barrier Island, up to and including the high-tide mark within the “boundary zone”, as defined below:

Tiakitanga Pūtaiao Aotearoa

- The “boundary zone” is the area that runs from the south of Shag Point, and encompasses the entire Tryphena Harbour region, up to and including Ross Bay.
 - The “boundary zone” co-ordinates are:
 - Point A 36°19.897’S, 175°28.457’E
 - Point B 36°18.579’S, 175°25.961’E
- b) **Zone B:** the areas contained within the marine waters of Blind Bay, Great Barrier Island, up to and including the high-tide mark within the “boundary zone”, as defined below:
- The “boundary zone” is the area that runs from the south of Beacon Point, and encompasses the entire Blind Bay region, up to and including Shag Point.
 - The “boundary zone” co-ordinates are:
 - Point A 36°16.086’S, 175°24.054’E
 - Point B 36°18.579’S, 175°25.961’E
- c) **Zone C:** the areas contained within the marine waters of Whangaparapara Bay, Great Barrier Island, up to and including the high-tide mark within the “boundary zone”, as defined below:
- The “boundary zone” is the area that runs from the northern end of Beacon Point, and encompasses the entire Whangaparapara Bay region, up to and including Long Bay.
 - The “boundary zone” co-ordinates are:
 - Point A 36°15.300’S, 175°23.178’E
 - Point B 36°15.636’S, 175°23.868’E
- d) **Zone D:** the areas contained within the marine waters of Western Bays Area, Great Mercury Island up to and including the high-tide mark within the “boundary zone”, as defined below:
- The “boundary zone” is the area that runs east of a line between Maunganui Point and Ahikopua Point, including Huruhi Harbour, up to the high-tide mark.
 - The “boundary zone” co-ordinates are:
 - Point A 36°36.183’S, 175°45.579’E
 - Point B 36°38.013’S, 175°46.494’E
- 2) Any property, parcel of land or marine structure that is bisected by the boundary of Zone A, Zone B, Zone C, and/or Zone D, are included within the controlled area.

6 Notice of controls for Great Barrier Island Zones (Zones A, B and C)

For the purposes of the controls imposed below, Zones A, B and C are collectively referred to as “the Great Barrier Island Zones”.

- 1) No person may remove any sea organisms (such as fish, seaweed, crayfish, or shellfish) from the Great Barrier Island Zones except by the following method:

- a) Line fishing from the shore. Line fishing includes rod and line and handline fishing from the shore or structure fixed to the shore such as a jetty, pier, or wharf.

For avoidance of doubt, no person may use the following methods to remove sea organisms (such as fish, seaweed, crayfish, or shellfish) from the Great Barrier Island Zones: spearfishing, longlining (i.e., shore-based longline devices), net fishing (i.e., flounder net), and drift fishing from a vessel (e.g., boat, kayak etc.).

- 2) No person may move any of the following items out of the Great Barrier Island Zones without complying with the cleaning directions in **clause 8(1)**:
 - a) Any equipment used for line fishing and water-based activities (including, but not limited to, diving, kayaking, canoeing, swimming, snorkelling, free diving, and paddling) including footwear, wetsuits, diving equipment, and boat-trailers and associated vehicles and craft.
- 3) Subject to **clause 6(4)**, no craft (such as boats) may enter and then anchor within the Great Barrier Island Zones without first being granted a permit for entering and anchoring.
- 4) A person does not require a permit under **clause 6(3)** in the event of an emergency where no other alternative safe sheltering locations or mooring can be easily acquired.

To apply for a permit, please email Caulerpa@mpi.govt.nz. Please see Schedule 2 for more information about permitting.

7 Notice of controls for Great Mercury Island Zone (Zone D)

For the purposes of the controls imposed below, Zone D is referred to as “the Great Mercury Island Zone”.

- 1) No person may remove any sea organisms (such as fish, seaweed, crayfish, or shellfish) from the Great Mercury Island Zone.
- 2) No person may move craft (such as boats) or equipment (such as crayfish pots) into the Great Mercury Island Zone for the purposes of seafood gathering activities (such as fishing, dredging, collecting shellfish, or putting down crayfish pots).
- 3) No person may move any of the following things out of the Great Mercury Island Zone without complying with the cleaning directions in **clause 8(1)**:
 - a) Any equipment used for water-based activities (including, but not limited to, diving, kayaking, canoeing, swimming, snorkelling, free diving, and paddling) including footwear, wetsuits, diving equipment, and boat-trailers and associated vehicles.
- 4) No craft (such as boats) that have anchored within the controlled area may be moved out of the Great Mercury Island Zone without complying with the cleaning directions in **clause 8(1)**.

8 Cleaning Directions

- 1) Any equipment used for water-based activities must be:
 - a) Checked for any seaweed or other plant matter before leaving the controlled area. Any seaweed or plant matter found on the equipment must be removed and disposed of by placing it back into the waters from where it came within the controlled area as soon as practicable; and
 - b) Cleaned thoroughly with fresh or salt water and, where reasonably practicable, be completely dried (inside and out) before it is reused in the ocean.

9 Expiry

This notice remains in force until 11:59 PM on 31 October 2023 or when a notice of revocation is issued by a Chief Technical Officer, whichever occurs first.

This Notice amends the controlled area notice that came into force on 20 October 2022.

Signed at Wellington this 21st day of April 2023.



Michael Taylor
Deputy Chief Technical Officer
Ministry for Primary Industries

Explanatory note

*This notice, which comes into effect on 1 May 2023, declares a controlled area and gives notice of movement controls and treatment requirements to limit the spread of exotic *Caulerpa* species. The purpose of the notice is to limit the spread of *Caulerpa brachypus* and *Caulerpa parvifolia*.*

Schedule 1 - Map of Controlled Areas



Disclaimer: This map and all information accompanying it (the "Map") is intended to be used as a guide only, in conjunction with other data sources and methods, and should only be used for the purpose for which it was developed. The information shown in this Map is based on a summary of data obtained from various sources. While all reasonable measures have been taken to ensure the accuracy of the Map, MPI: (a) gives no warranty or representation in relation to the accuracy, completeness, reliability or fitness for purpose of the Map; and (b) accepts no liability whatsoever in relation to any loss, damage or other costs relating to any person's use of the Map, including but not limited to any compilations, derivative works or modifications of the Map. Crown copyright ©. This map is subject to Crown copyright administered by Ministry for Primary Industries (MPI).



ZONE A
Controlled Area Tryphena Harbour, Great Barrier Island

Date: 13/08/2021
 Produced by: Spatial Intelligence
 Reference: r210181
 Coordinate System: WGS 1984 Mercator 41

- Controlled Area Extent Point
- Outer Boundary
- Controlled Area

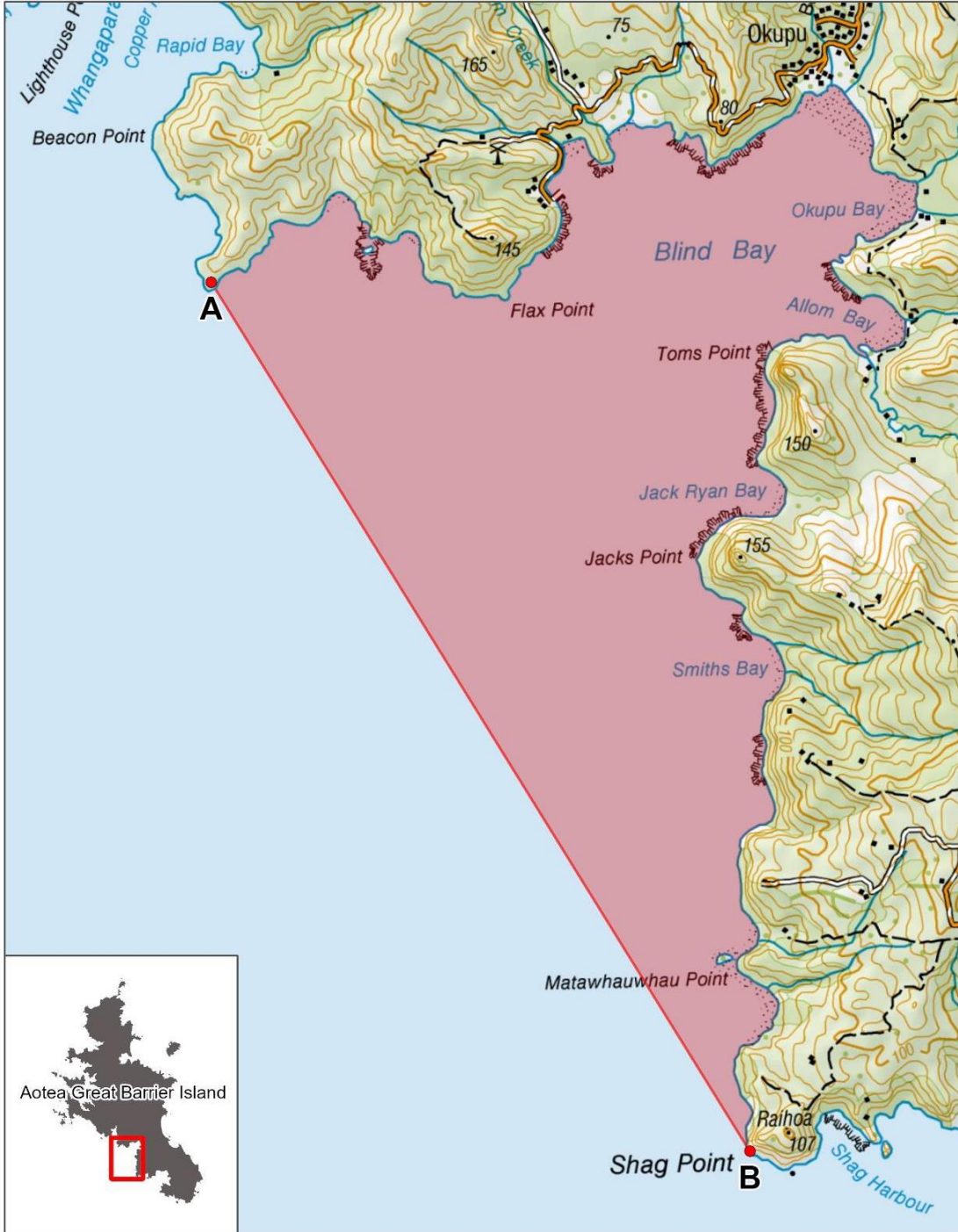
Point	Latitude	Longitude
A	36.3316 °S	175.4743 °E
B	36.3096 °S	175.4327 °E

0 0.25 0.5
 0 0.5 1
 1:40,000

N

Data Attribution: This map uses data sourced from LINZ under CC-BY.

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ZONE B Controlled Area Blind Bay, Aotea Great Barrier Island	● Controlled Area Extent Point	0 0.25 0.5	N 1 km						
	 Outer Boundary Controlled Area	0 0.5 1							
Date: 14/06/2022 Produced by: Spatial Intelligence Reference: r220013 Coordinate System: WGS 1984 Mercator 41	<table border="0"> <tr> <td>Point Latitude</td> <td>Longitude</td> </tr> <tr> <td>A 36°16.086'S</td> <td>175°24.054'E</td> </tr> <tr> <td>B 36°18.579'S</td> <td>175°25.961'E</td> </tr> </table>	Point Latitude	Longitude	A 36°16.086'S	175°24.054'E	B 36°18.579'S	175°25.961'E	1:25,000	Data Attribution: This map uses data sourced from LINZ under CC-BY.
Point Latitude	Longitude								
A 36°16.086'S	175°24.054'E								
B 36°18.579'S	175°25.961'E								

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ZONE C		● Controlled Area Extent Point	0 0.2 0.4	N
Controlled Area Whangaparapara Harbour, Aotearoa Great Barrier Island		— Outer Boundary	nm	
		■ Controlled Area	0 0.35 0.7	km
			1:20,000	
Date: 14/06/2022	Point Latitude	Longitude	Data Attribution:	
Produced by: Spatial Intelligence	A 36°15.300'S	175°23.178'E	This map uses data sourced from LINZ under CC-BY.	
Reference: r220013	B 36°15.636'S	175°23.868'E		
Coordinate System: WGS 1984 Mercator 41				



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ZONE D Controlled Area Ahuahu Great Mercury Island	Controlled Area Extent Point	0 0.25 0.5 nm	N									
	Outer Boundary	0 0.5 1 km										
	Controlled Area	1:30,000										
Date: 14/06/2022 Produced by: Spatial Intelligence Reference: r220013 Coordinate System: WGS 1984 Mercator 41	<table border="0"> <tr> <td>Point</td> <td>Latitude</td> <td>Longitude</td> </tr> <tr> <td>A</td> <td>36°36.183'S</td> <td>175°45.579'E</td> </tr> <tr> <td>B</td> <td>36°38.013'S</td> <td>175°46.494'E</td> </tr> </table>	Point	Latitude	Longitude	A	36°36.183'S	175°45.579'E	B	36°38.013'S	175°46.494'E	Data Attribution: This map uses data sourced from LINZ under CC-BY.	
Point	Latitude	Longitude										
A	36°36.183'S	175°45.579'E										
B	36°38.013'S	175°46.494'E										

Schedule 2 - Information about how to apply for a permit for anchoring activity within the Controlled Areas

This information section is not part of the notice but is intended to provide further detail about when a permit may be granted and how to apply for a permit to carry out activities that are prohibited by the notice.

MPI may permit activities that are prohibited by this notice.

In accordance with section 134(1)(b) of the Act, an inspector or authorised person may permit a person to carry out an activity that would otherwise be prohibited by this notice.

Permits will be considered on a case-by-case basis and will be subject to any conditions and directions under section 122 of the Act that are necessary to manage the biosecurity risk of the proposed activity.

The movement of any anchored craft will likely be subject to checking and cleaning directions as described in the Permit Specifications.

Anchoring in emergencies

Anchoring is permitted without the need to acquire a permit for the following situations:

- 1) In the event of an emergency that:
 - a) is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and
 - b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public in New Zealand or any part of New Zealand; and
 - c) no other alternative safe sheltering locations or mooring can be easily acquired.
- 2) In the event of a marine mammal stranding within a controlled area zone and Department of Conservation or other agency vessels need to anchor to provide the required assistance.

To apply for a permit for activities within the Controlled area Zones please email Caulerpa@mpi.govt.nz.

Schedule 3 - Information about consequences of breach of notice

This information section is not part of the notice.

Breach of this notice may result in seizure of goods moved in contravention of the notice; an application for a pecuniary penalty order against you for breach of the notice; or an offence under the Act.

Pursuant to sections 134(1)(b), 154N(8), and 157(4) of the Biosecurity Act 1993, any person who moves or directs or arranges the movement of any organism, organic material, risk goods, or other goods in in contravention of this notice (unless permitted by an inspector or authorised person) commits an offence and is liable on conviction:

- 1) In the case of an individual person, to imprisonment for a term not exceeding 3 months, a fine not exceeding \$50,000, or both:
- 2) In the case of a corporation, to a fine not exceeding \$15,000.

If you or your employee or agent do not comply with this notice or any subsequent directions given by an inspector or authorised person, you may breach the Act. Please ensure your agents and employees have a copy of this notice.

Schedule 4 - Activities not affected by this notice

This information section is not part of the notice.

For avoidance of doubt, this notice does not stop the following activities:

- 1) Recreational activities (such as swimming, canoeing, and diving), so long as any equipment used is subject to the cleaning requirements at clause 8 of this notice; and
- 2) Craft (boats) may move into, within, and out of any of the CAN Zones so long as they do not anchor within a Zone without a permit or remove sea organisms (except as permitted under this notice).

Information about publication of notice

This notice will be published on MPI's website at www.biosecurity.govt.nz/caulerpa.