



New Plymouth District Council Bylaw 2010

Dog Control

The purpose of this part of the bylaw is to regulate the keeping of dogs for the protection of the health and safety of the public.



NEW PLYMOUTH DISTRICT COUNCIL
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1. Authority

- 1.1** This part is made under sections 5 and 20 of the Dog Control Act 1996.
- 1.2** Section 5 of the Dog Control Act 1996 sets out the obligations for dog owners which in summary relate to ensuring the dog: **Obligations of dog owners**
- a) Is registered.
 - b) Is under control at all times.
 - c) Has proper care, attention, food, water and shelter.
 - d) Has adequate exercise.
 - e) Does not cause a nuisance.
 - f) Does not injure, endanger, intimidate or distress any person.
 - g) Does not injure, endanger or distress animals.
 - h) Does not damage or endanger property.
- 1.3** Failure of the dog owner to comply with the bylaw authorised under section 20 of the Dog Control Act 1996 will result in further action being undertaken by a Dog Control Officer or Dog Ranger in accordance with the provisions of the Dog Control Act 1996. This may be by way of issue of infringement notice, abatement notice, summary proceedings and may include seizure and impounding of the dog. **Enforcement**
- 1.4** **Welfare of dogs.** Where vehicles are driven into or through banned areas and dogs are therefore not allowed out of vehicles, consideration should be given to the welfare of dogs left in vehicles and whether it would be more appropriate to leave the dog(s) at home. **Advice notes**

2. Purpose

- 2.1** The purpose of this part of the bylaw is to regulate the keeping of dogs for the protection of the health and safety of the public.
- 2.2** The Council is empowered by the Dog Control Act 1996 to make bylaws to:
- a) Conserve public health and prevent or abate nuisances.
 - b) Regulate and control dogs in public places.
 - c) Prescribe minimum standards for the accommodation of dogs;
 - d) Require the owner of any dog that defecates in a public place to immediately remove the faeces.
 - e) Provide for the impounding of dogs.
 - f) Provide for any other purpose necessary or desirable to further the control of dogs.
- 2.3** This part of the bylaw aims to achieve these purposes and should be read in conjunction with the Dog Control Act 1996 and the other parts of the New Plymouth District Council Bylaw 2010.

3. Application of this part

3.1 This part of the bylaw does not apply to land administered by the Department of Conservation. The Reserves Act 1977*, the National Parks Act 1980, the Wildlife Act 1953 and the Conservation Act 1987 have their own dog control provisions and the Department of Conservation administers these provisions in regard to land under their control.

*To avoid any uncertainty and for the sake of completeness, this exemption does not apply to reserves administered by the New Plymouth District Council and managed under the Reserves Act 1977. These reserves are subject to the provisions of this bylaw.

4. Interpretation

4.1 This part shall be in addition to the provisions of Part 1 Introductory of the New Plymouth District Bylaw 2008 and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

4.2 In this part unless the context otherwise requires:

Definitions

Continuous control means under the continuous control of a person (either leashed control or command control by voice, signal, whistle or other similar means) who is in fact controlling the dog so as to prevent it being an annoyance or nuisance.

Dog Control Officer means a Dog Control Officer appointed under Section 11 of the Dog Control Act 1996 and includes a warranted officer exercising powers under section 17 of this Act.

Dog Ranger means a Dog Ranger appointed under Section 12 of the Dog Control Act 1996 and includes an honorary Dog Ranger.

Disability assist dog means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- a) Hearing Dogs for Deaf People New Zealand.
- b) Mobility Assistance Dogs Trust.
- c) New Zealand Epilepsy Assist Dogs Trust.
- d) Royal New Zealand Foundation of the Blind.
- e) Top Dog Companion Trust.
- f) An organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

Leashed control means that the dog is kept on a secure leash held by a person who is in total control of the dog at all times so as to prevent it being a nuisance or annoyance.

Owner - in relation to any dog, means every person who:

- a) Owns the dog; or
- b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

- c) The parent or guardian of a person under the age of 16 years who:
 - i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996; or the Animal Welfare Act 1999; or the National Parks Act 1980; or the Conservation Act 1987; or any Order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

Public place means a place that:

- a) Is at any material time, open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Under Control means under command control of a person (by voice, signal, whistle or other similar means) who is in fact controlling the dog so as to prevent it being an annoyance or a nuisance.

Urban area means any property that is rated as commercial or industrial (Differential Rating Group 1) or as residential (Differential Rating Group 2) by the New Plymouth District Council.

5. Accommodation for dogs

5.1 The owner of any dog shall provide for it a kennel or some other place of shelter that shall, as a minimum, be:

**Housing for
dog**

- a) Weather proof.
- b) Constructed on dry ground.
- c) Provided with a floor and constructed so that surfaces are easily cleaned.
- d) Of sufficient size to allow the dog to freely move, stretch out, and recline.
- e) Of sufficient height so that the dog may stand freely.
- f) Constructed so that when the dog is confined it is allowed a reasonable degree of free movement.
- g) Kept in a clean, dry and sanitary condition.
- h) Provided with clean water.
- i) Situated no closer than one metre from the boundary and in such a position that when the dog is confined, it cannot get closer than one metre to the boundary of any adjoining property.

6. Prohibited (banned) areas for dogs – public places

Note: The prohibited areas are illustrated on the diagrams appended to this bylaw.

6.1 Clause 6.2 shall not apply to:

- a) Any disability assist dog, or any dog kept by the Police or any Constable, the Customs Department, the Ministry of Defence, or any Officer or Employee of any such Department of State solely for the purposes of carrying out the functions, powers, and duties in that capacity; and
- b) Any dog contained or securely confined within or on any vehicle so as not to constitute a nuisance or endanger any person.

**Areas
defined
where dogs
are not
permitted**

6.2 The Council may from time to time by resolution publicly notify and specify the areas where dogs are prohibited. Dogs are prohibited from the following areas:

a) **New Plymouth Central Business Area**

All Public Places within the area bounded by and including:

- i) Ariki Street and Gill Street between Egmont Street and Gover Street.
- ii) Devon Street between Robe Street and Gover Street.
- iii) Egmont Street from Ariki Street to Devon Street.
- iv) Puke Ariki Landing

This clause shall not apply to any dog being led directly along Liardet Street, or to any dog registered at a residential address in the New Plymouth Central Business Area being led directly out of the area, provided that the dog is on a leash and does not constitute a nuisance or endanger any person. (leash control area).

b) **Beaches – total ban**

i) Ngamotu Beach and Reserve

That area of the Ngamotu Beach (the foreshore and beach, reserve and playground area) located between the eastern side of the Blyde Wharf reclamation area and the western side of the industrial reclamation area, inclusive of all land on the seaward side of Ocean View Parade in or between this area.

ii) Fitzroy Seaside Park

Fitzroy Seaside Park paddling pool and enclosure and the playground area to the east of the pool.

iii) Urenui Domain and beach

All the domain area on the northern side of the Urenui River and the adjoining foreshore and beach, but excluding the areas leased by the Golf Club.

c) **Beaches – ban during daylight saving hours**

i) Fitzroy and East End beaches

That part of the foreshore and beach of Fitzroy and East End beaches in the area between imaginary lines drawn directly to the sea from the western (city) end of the East End Surf Life Saving Club building and the eastern (Waiwhakaiho) end of the Fitzroy Surf Life Saving Club building.

- ii) Oakura Beach
The foreshore and beach in the area between imaginary lines drawn directly to the sea from the eastern side of the vehicle entrance to the motor camp and from the western side of the end of Wairau Road.
- iii) Oakura River/Corbett Park
That area of the Oakura River, beach, foreshore and adjoining land, bounded by the State Highway 45 road bridge, the true left bank of the river (Oakura village side), the eastern edge of the formed vehicle access through Corbett Park on the east side of the river (New Plymouth side) and an imaginary line drawn across the river in a line contiguous with and parallel to the seaward side of the building housing the Changing Rooms/Public toilets.
- iv) Onaero Domain and adjoining beach
All the Onaero domain (except the area occupied by the baches) including the campground on both sides of the Onaero river adjoining the beach and foreshore,

Note: The restriction prohibition shall apply from 9.00am to 6.00pm daily during the period of daylight saving for New Zealand

Note: Dogs may be exercised at large or be present at all other times, providing the dog(s) is kept under continuous control.

d) **Parks and reserves**

- i) Pukekura Park/Brooklands Park
Pukekura Park playgrounds near Rogan Street and Gilbert Street intersecting Victoria Road, the Fernery and Brooklands Zoological enclosure.

Pukekura Park in the areas used for the Festival of Lights lighting display and its associated events, or other organised event programmes. The ban shall only apply for the duration of the lighting display and/or event between the hours of 7pm and midnight.

Note: all other parts of Pukekura Park, Brooklands Park and gardens are a leashed control area at all times under clause 7.2 of this bylaw.
- ii) Barrett Domain
The pond water and wetland areas and the wetland areas around the lagoon, with the exception of the access route from Rotokare Crescent/Kororako Grove (which is a leash control area).
- iii) Lake Rotomanu
The island in the middle of Lake Rotomanu.
- iv) Lake Mangamahoe
Lake Mangamahoe and the land area 200 metres from the waters edge.
- v) Egmont National Park
All areas of road reserve within the boundaries of the Egmont National Park including the area between Egmont Road (Rahiri Cottage) to Egmont Camp House).

Note: Dogs are banned from the Egmont National Park under the National Parks Act 1980, administered by the Department of Conservation.

vi) Hickford Park cycling facilities

All areas within the boundaries of the Taranaki Cycle Park and the New Plymouth BMX track at Hickford Park. This includes the areas of the velodrome, the children's cycle park, the 1.2km cycle track and the BMX track.

e) **New Plymouth District Council playgrounds**

Any area set aside as a children's play area by the New Plymouth District Council, for the recreation of children, that includes play equipment for this purpose.

With the exception of Pukekura Park Playground from which dogs are completely banned, this clause shall not apply to any dog on a leash being led directly through a playground avoiding play equipment and it's associated under surfacing.

7. **Leashed control areas for dogs (dogs on leads)**

Note: The leashed control areas are illustrated on the diagrams appended to this bylaw.

7.1 Clause 7.2 shall not apply to:

- a) Any disability assist dog, or any dog kept by the Police or any Constable, the Customs Department, the Ministry of Defence, or any Officer or Employee of any such Department of State solely for the purposes of carrying out the functions, powers, and duties in that capacity; and
- b) Any dog contained or securely confined within or on any vehicle so as not to constitute a nuisance or endanger any person.

Areas defined where dogs must be on a lead

7.2 The Council may from time to time by resolution publicly notify and specify the areas where dogs are prohibited or to be leashed. Dogs are required to be leashed in the following areas:

a) **New Plymouth**

- i) Pukekura Park/Brooklands Park
Within the boundaries of Pukekura Park, Brooklands Park and gardens (excluding the prohibited areas comprising Pukekura Park playground, the Fernery and Brooklands Zoological enclosure).

Note: Prohibited areas – refer to clause 6.2.

- ii) Liardet Street
The road and formed footpath on both sides of Liardet Street from the southern (Pukekura Park) side of the intersection between Liardet and Leach streets to the northern (sea) side of the intersection between Liardet and Molesworth streets/St Aubyn Street.

- iii) New Plymouth Coastal Walkway
The formed walkway area, the rock embankment and the grassed area adjoining the walkway from the western end of the formed car park in Kawaroa Park to the eastern end start of the walkway at Lee Breakwater car park, Port Taranaki to the eastern end of the formed walkway at Tiromoana Crescent, Bell

Block, including the Hickford Park car park, Waiwhakaiho River Mouth car park, the Fitzroy camping site, the Buller Street car park, the Molesworth Street car park, the Wind Wand car park at the seaward end of Egmont Street and all of that part of Kawaroa Park seaward of the access road, including the road and car park.

v) **Peringa Park/Lake Rotomanu wetlands area**

Within the boundaries of the fenced wetland area located on the western side of Lake Rotomanu including the walkway linking with Weka Street.

Note: Specific prohibitions apply to playgrounds – refer to clause 6.2(e).

vi) **Lee Breakwater**

From the edge of the car park leaving the formed area of the walkway for the entire length of the breakwater of the Port Area.

vii) **Te Henui Walkway**

That part of the Te Henui walkway located between the lower foot bridge (nearest to the mouth of the Te Henui Stream) and the overhead motor vehicle bridge on Devon Street East, New Plymouth.

This subclause applies to the paved and unsealed walkway, adjoining grassed areas and the Te Henui Stream itself, located between these two points.

Note: specific prohibitions apply to playgrounds – refer to clause 4.2(d).

viii) **Fitzroy Shopping Area**

The road and formed footpath on both sides of Devon Street East from its intersection with Beach Street through to its intersection with Darnell Street

ix) **Moturoa Shopping Area**

The road and formed footpath on both sides of Breakwater Road and St Aubyn Street from the eastern end of the building located at 486 St Aubyn Street to the western side of the property located at 7 Breakwater Road.

Note: at the time of drafting, 486 St Aubyn Street is occupied by the TSB Bank and 7 Breakwater Road by a Service Station.

x) **Westown Shopping Area**

The road and formed footpath on the southern side of Tukapa Street in front of the commercial premises (i.e. from the eastern side of the commercial building at 37 Tukapa Street to the western side of the property at 63 Tukapa Street).

Note: At the time of drafting, 63 Tukapa Street is occupied by the TSB Bank.

b) **Bell Block**

i) **Bell Block shopping area**

That area of formed footpath in front of the commercial premises on the northern side of the former Devon

Road from the east side of Nugent Street to, and including, the formed car park adjoining the commercial area

c) **Waitara**

i) Waitara main shopping area

The road, verge and formed footpath on both sides of McLean Street from Brown Street to West Quay and Queen Street from Whittaker Street to the south side of the Waitara Library and Service Centre.

d) **Inglewood**

i) Inglewood shopping area

The road, verge and formed footpath on both sides of Rata Street from its intersection with Standish Street to its intersection with Brown Street and Matai Street from its intersection with Brookes Street to its intersection with Rata Street.

e) **Oakura**

i) Oakura shopping area

The road, verge and formed footpath on both sides of State Highway 45 from its intersection with Dixon Street to its intersection with The Outlook.

f) **Okato**

i) Okato shopping area

The road, verge and formed footpaths from the roundabout on the corner of South Road and Carthew Street through to the corner of Gosling Street and Carthew Street.

g) **Beaches**

i) Tongaporutu Domain

All the Tongaporutu Domain area seaward of the State Highway 3 bridge.

h) **Beaches (leash control area between August and April (animal breeding and nesting period))**

j) Bell Block beach

The Bell Block foreshore, beach and reserve at the end of Mangati Road, located between and including the toilet block and picnic area to the west, and the beach access ramp to the east.

ii) Waiiti Beach

iii) Tapuae Marine Reserve

The area between the Tapuae stream boundary to the Herekawe stream boundary.

iv) Parininihi Marine Reserve

The area between the Waipingau Stream to the Clifton Road boundary.

i) **Public Cemeteries and Crematorium**

i) The area of land defined as the Taranaki Crematorium.

ii) Dogs are permitted inside the Taranaki Crematorium building subject to approval from an authorised officer.

j) **Sports parks**

That part of a sports park being used during an organised event undertaken by a recognised club, school or organisation.

8. Dogs allowed within certain prohibited areas

8.1 With the exception of Pukekura Park playground from which dogs are completely banned, dogs are permitted to be led on a leash directly through a playground in order to get to a designated area, avoiding play equipment and it's associated under surfacing.

8.2 Dogs are permitted to be led directly into or out of Liardet Street, or to a residential address in the New Plymouth Central Business Area, provided that the dog is on a leash and does not constitute a nuisance or endanger any person (leash control area).

9. Temporary lifting of controls

9.1 The Council or a Dog Control Officer may from time to time temporarily uplift a prohibition or leash control area for a specified period of time.

Temporary lifting of controls

9.2 Any person who wishes to temporarily uplift a prohibition or leash control area shall apply, in writing, at least two weeks prior to the date of the event and such application shall be accompanied by an appropriate administration fee as set by the council from time to time

Application for temporary uplift

10. Nuisances

10.1 The owner of every bitch shall ensure that it is adequately confined on their property whilst the bitch is in season and, when taken from the property for any reason, kept under leashed control at all times.

Bitch in season

10.2 The owner of every dog shall ensure that the dog does not create a nuisance including, without limitation, by:

a) Obstructing the lawful passage of any person in a public place or on private property.

Obstructing people

b) Rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress.

Distress to people

c) Destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.

Refuse

d) Interfering with any persons property, whether on private property (other than the owners) or in a public place.

Property

e) Rushing at, chasing, frightening, obstructing or causing injury or distress to any stock, poultry, domestic animal or protected wildlife, whether on private property (other than the owners) or in a public place.

Nuisance to stock

f) Barking, howling and/or whining in a persistent and loud manner.

Noise

g) Rushing at any vehicle.

Vehicles

11. Control of dogs

11.1 Every owner shall ensure that any dog they are responsible for:

- a) Is not permitted to roam or be at large in any public place unless such dog is under continuous control or leased control.
- b) Is not permitted to roam or be at large on any land or premises, without the consent (express or implied) of the occupier or person in charge of that land or premises.

**Roaming in public place
Roaming on private property**

12. Limitation on number of dogs – urban areas

12.1 Except with the specific written consent of the Council, the maximum number of dogs over the age of three months kept within or by any household unit located within an urban area shall not exceed two (2) per individual household unit.

Limit on dogs in urban area

12.2 Owners or occupiers who wish to obtain consent to keep more than two dogs shall apply, in writing, and such application shall be accompanied by an appropriate administration fee as set by the Council from time to time.

Consent required for more than two dogs

12.3 An application to keep more than two dogs shall include:

Application details

- a) A statement of how the dogs will be housed, exercised, and confined to the property and other general control measures to ensure the prevention of nuisance; and
- b) Identification of those persons who could be affected by the proposal, and the results of the consultation that has taken place with those persons.

12.4 In considering whether consent should be granted, the council or a Dog Control Officer shall have regard to:

Matters to consider

- a) The adequacy of the housing that will be provided, provision for exercise, and measures for confining the dog on the property;
- b) The likelihood of noise, waste or other nuisance being created by keeping of the additional animals;
- c) The views of other adjoining property owners and occupiers;
- d) The past history of adequacy of the owner or person in charge of the dog to prevent nuisances occurring. This shall include any history of complaint or noise, faecal deposit, wandering or threatening behaviour of dogs previously kept by the owner, including any impounding records; and
- e) The needs or otherwise of additional dogs to be kept.

Any consent issued may be subject to such terms, conditions and restrictions as is considered appropriate

13. Removal of faeces

13.1 The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner shall immediately remove the faeces from that place and dispose of it in a sanitary manner into a suitable receptacle.

Removal of dog faeces

14. Impounding

- 14.1** A Dog Control Officer, Dog Ranger or constable may impound a dog, whether or not it is wearing a collar displaying the proper registration, found at large in breach of any provisions of this bylaw.

**Seizure of
dogs at
large**

Dog Control Maps

Note:

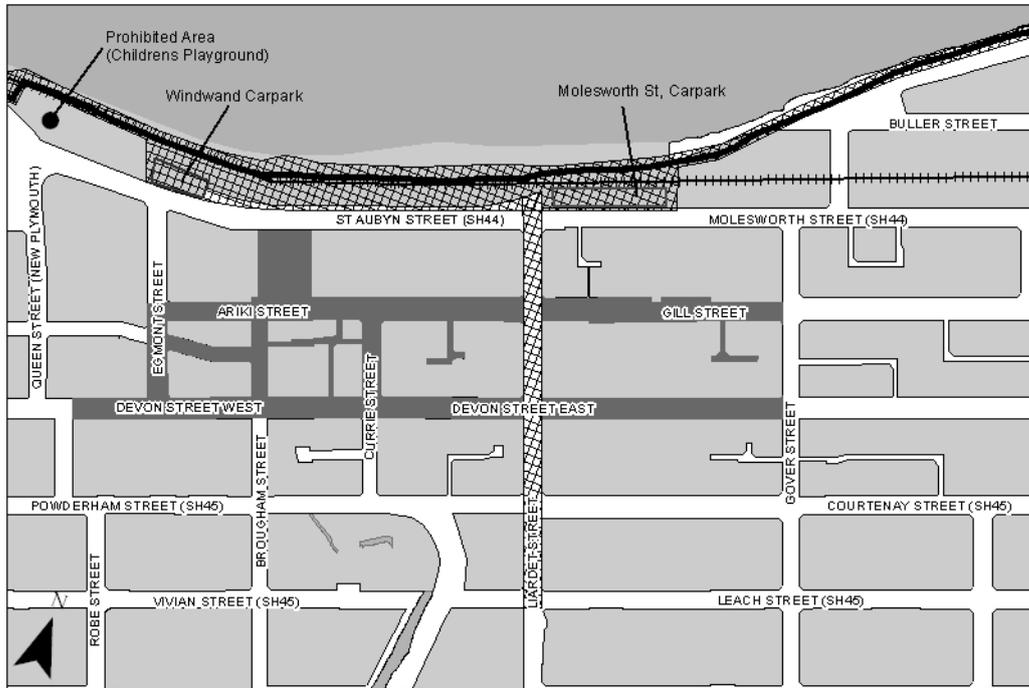
- a) In addition to the areas identified in these maps, prohibitions apply to children’s playgrounds and sports grounds – refer clauses 6(e) and (f).
- b) On these maps, the ● for children’s playgrounds indicates the general location of the playground, not the extent.

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New Plymouth

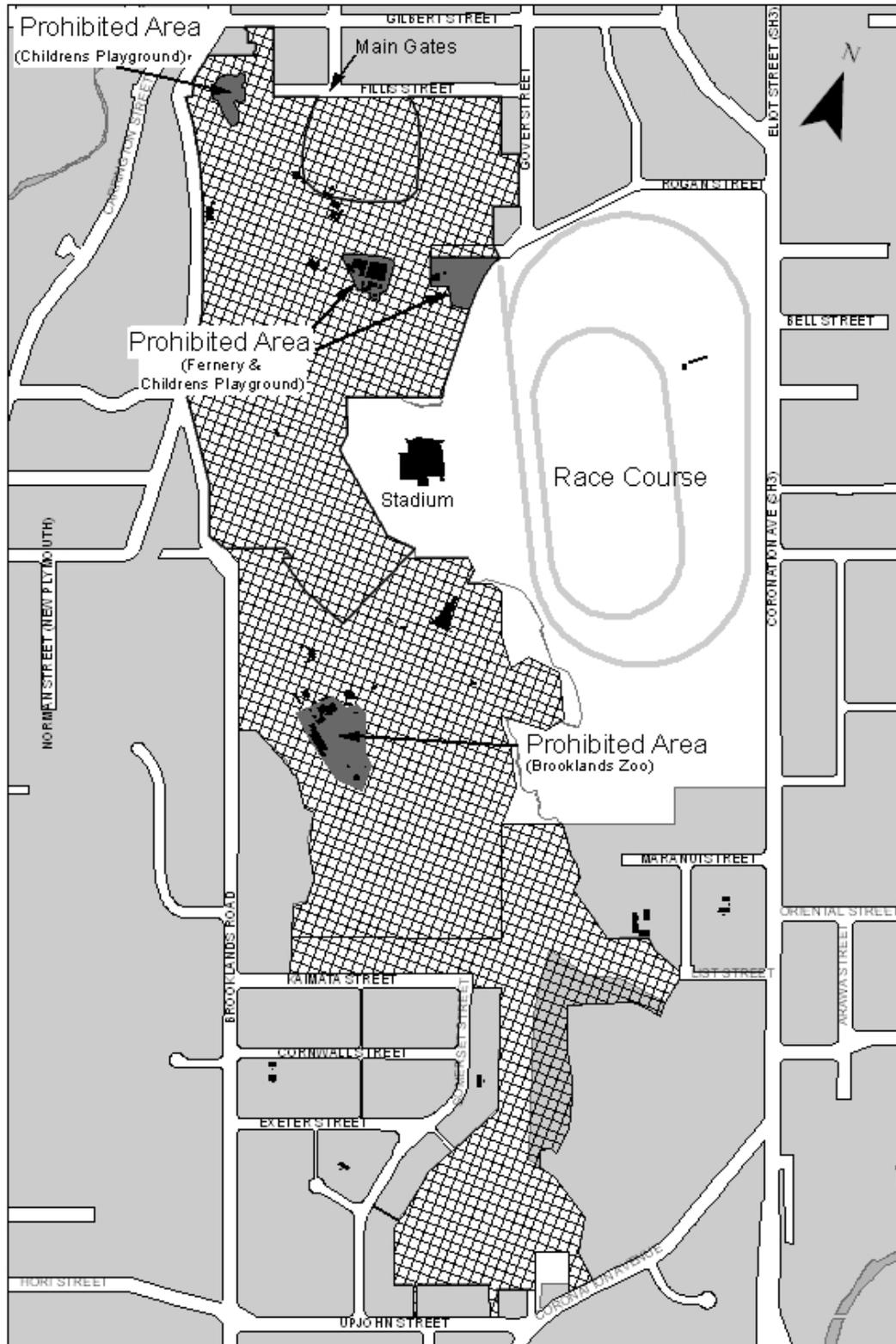
New Plymouth Central Business Area



Key

- Prohibited Areas
- Leashed Control Areas
- Prohibited Playgrounds
- Coastal Walkway
- Railway Track

Pukekura Park / Brooklands Park

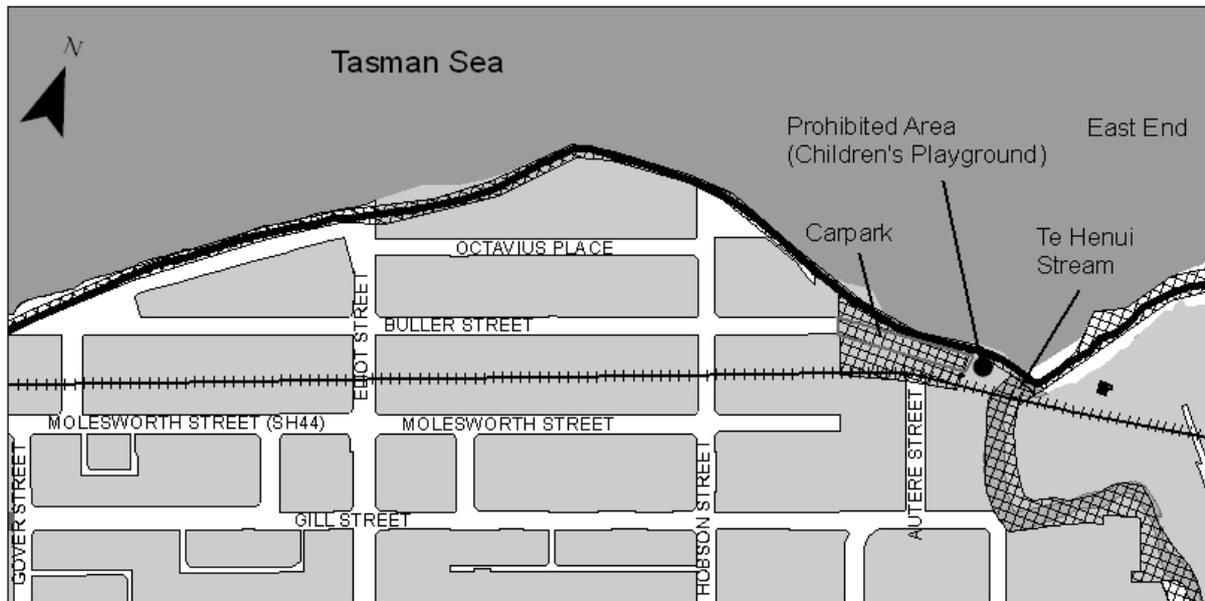
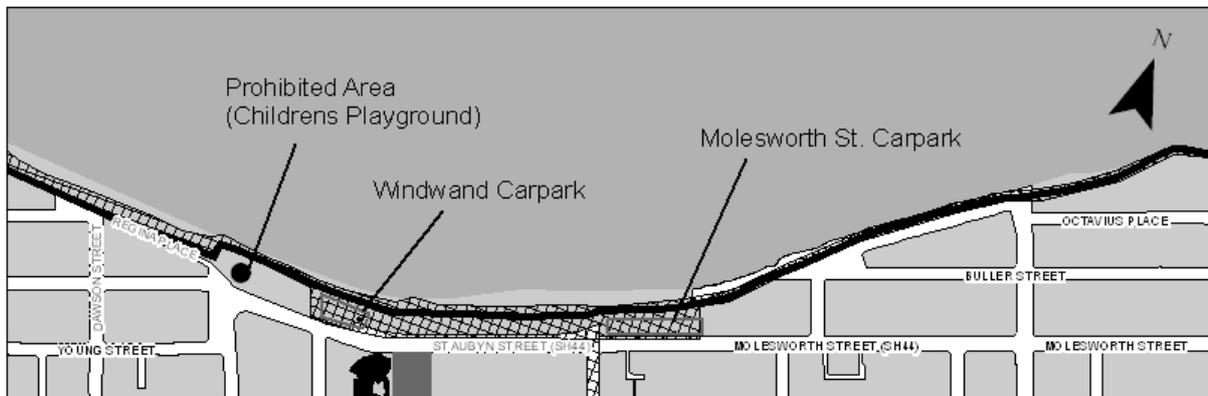


Key

 Leashed Control Areas

 Prohibited Areas
(Children's Playground,
Fernery and Brooklands Zoo)

New Plymouth Coastal Walkway

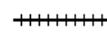


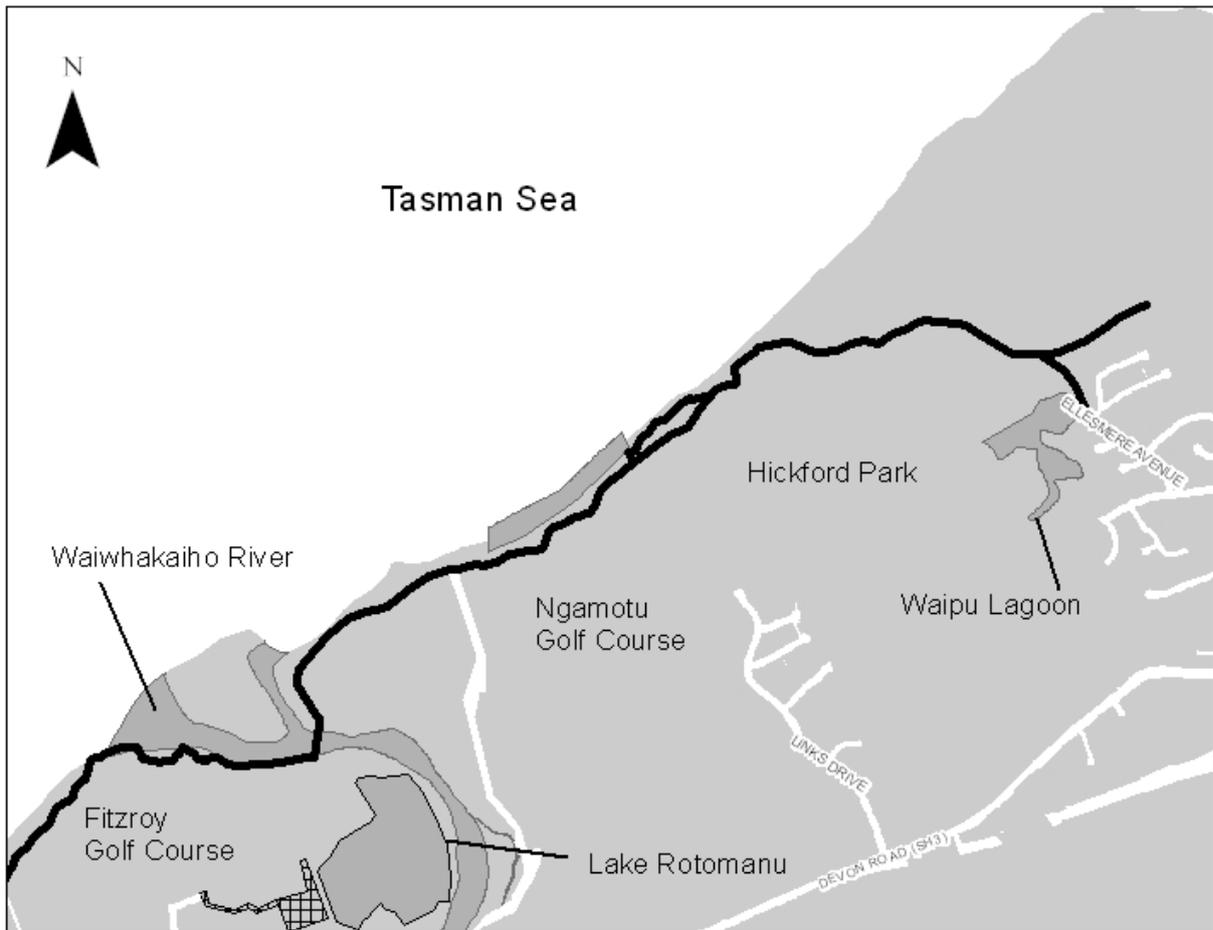
Key

 Leashed Control Areas

 Coastal Walkway

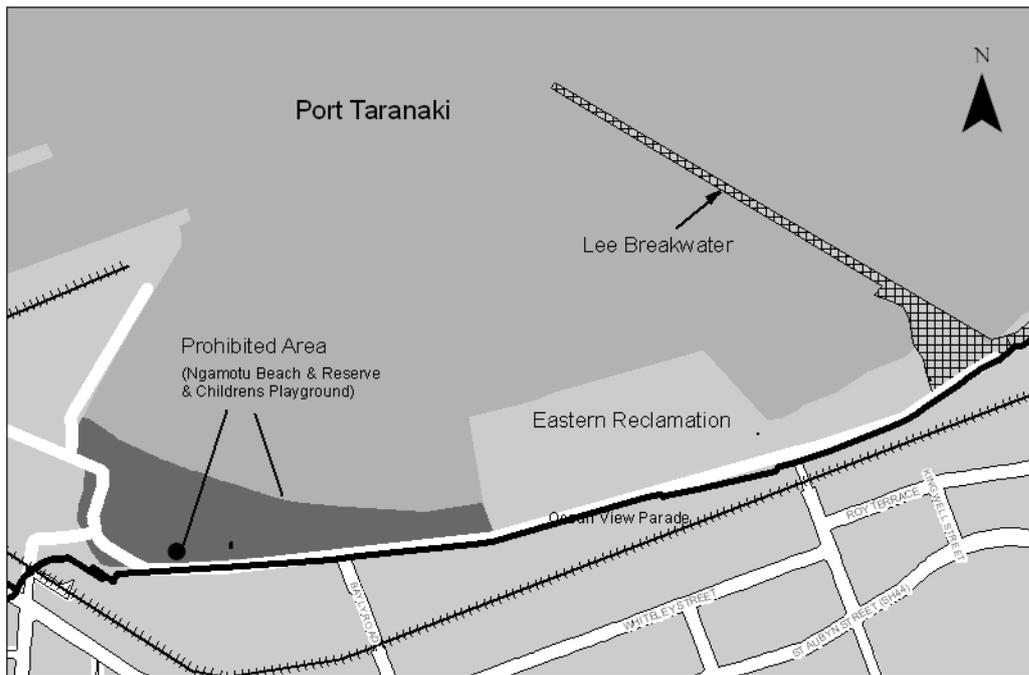
 Prohibited Playgrounds

 Railway Track



- Key**
-  Prohibited Areas
 -  Coastal Walkway (Leashed Control)
 -  Leashed Control Areas (Including Waiwhakaiho River Car Park)

Ngamotu Beach Area

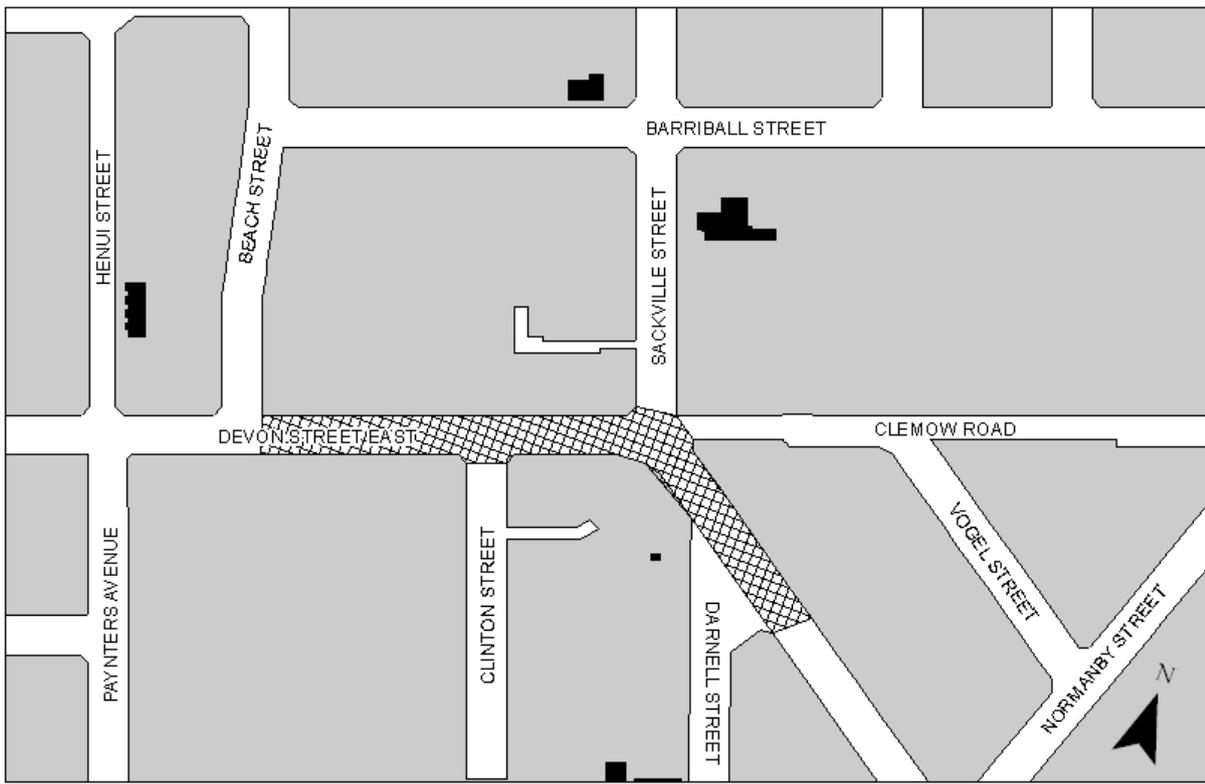


Key

- Prohibited Areas
- ▨ Leashed Control Area
- Prohibited Playgrounds

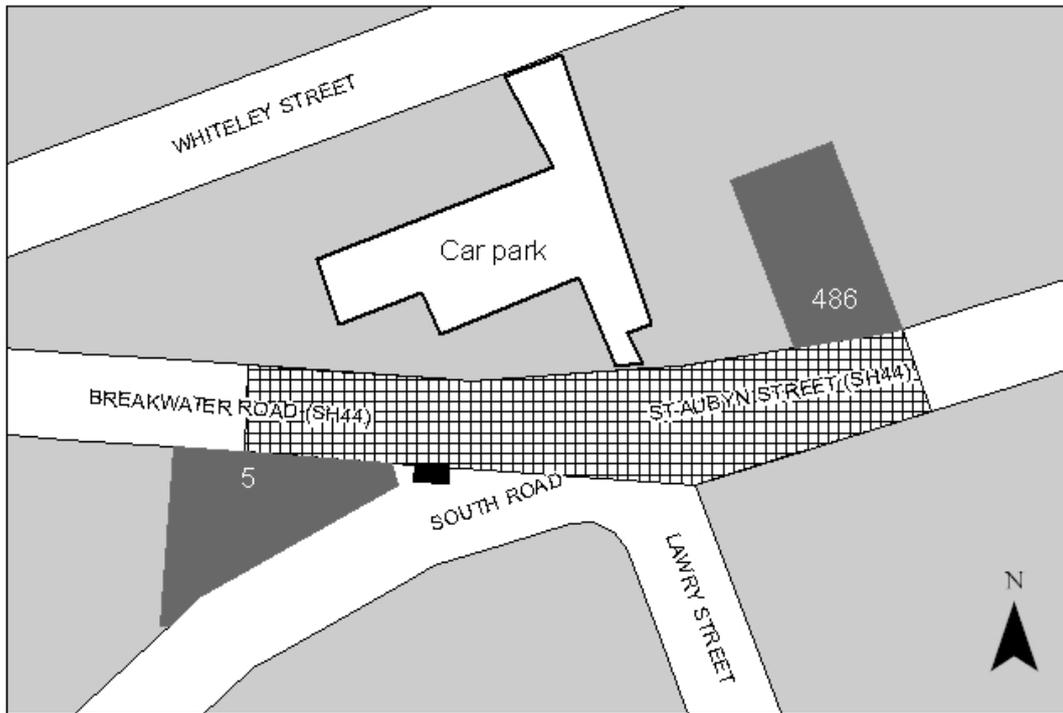
- +++++ Railway Track
- Coastal Walkway

Fitzroy Shopping Area



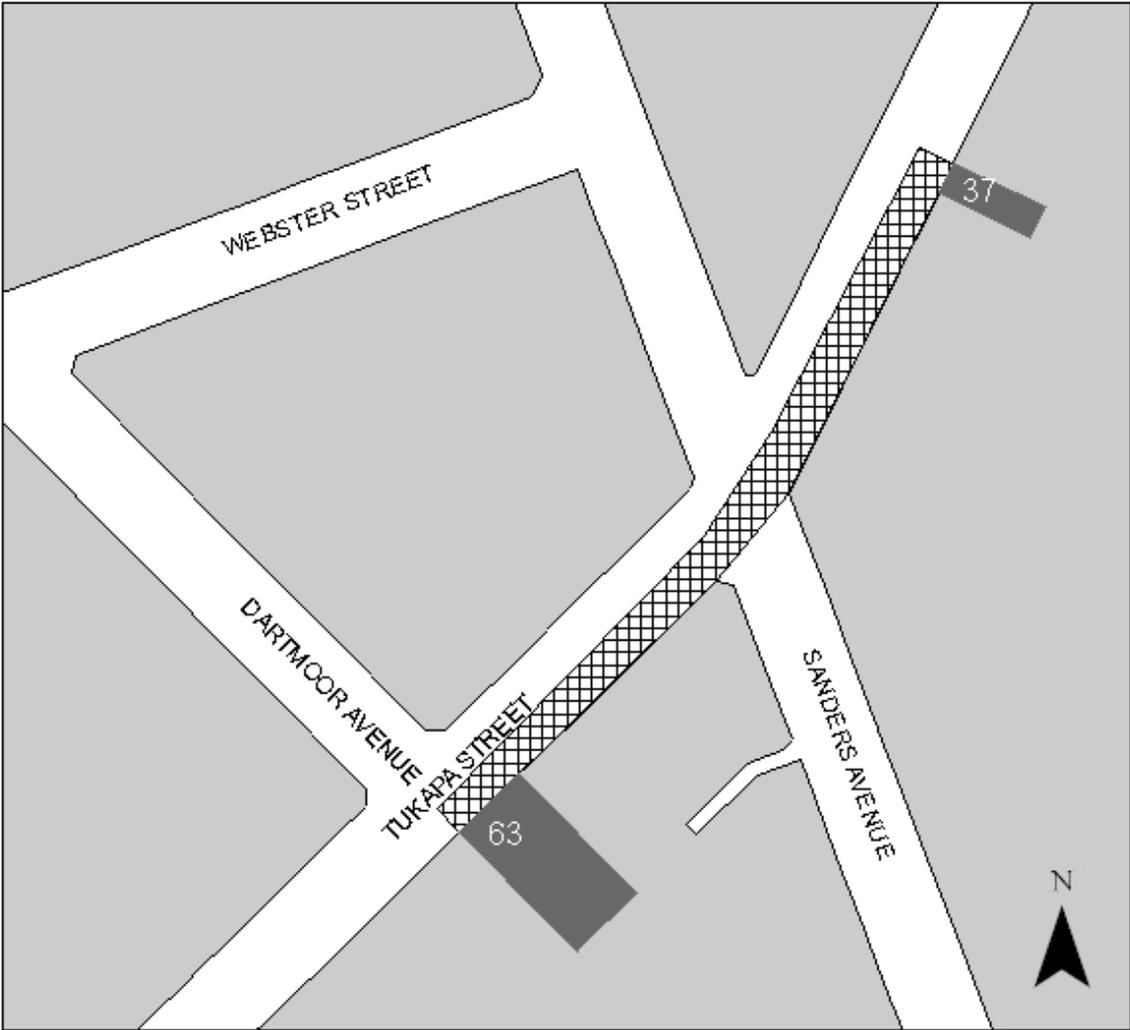
Key  Leashed Control Areas

Moturoa Shopping Area



Key  Leashed Control Areas

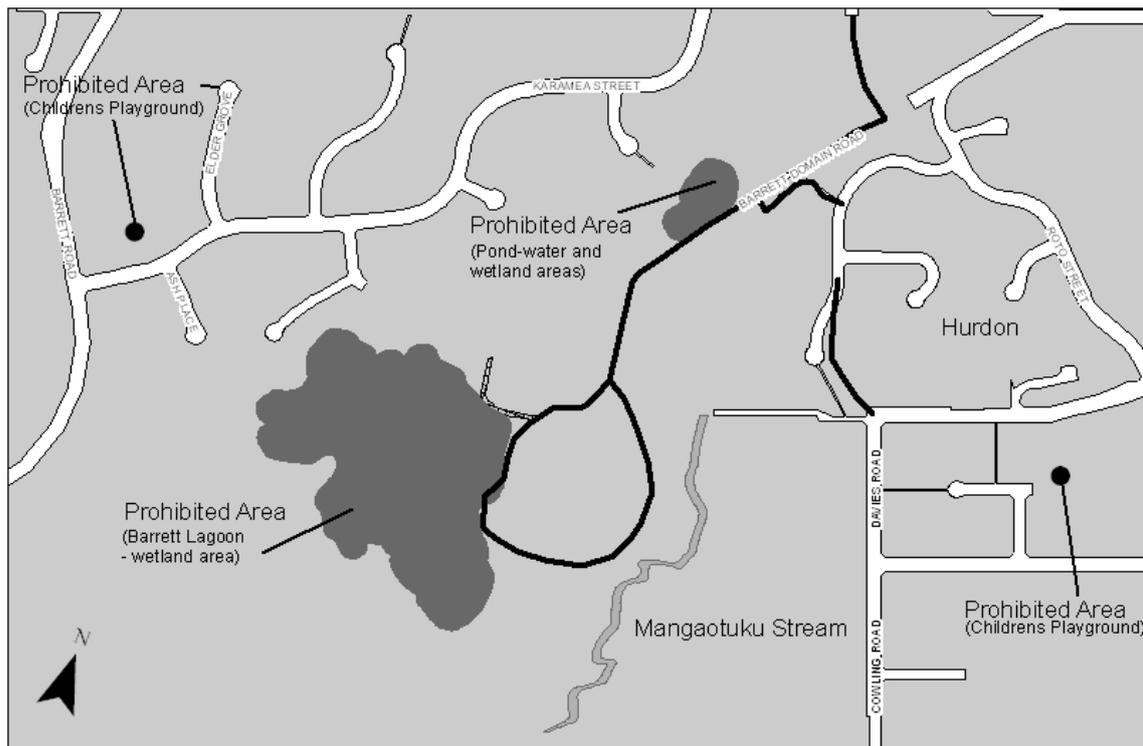
Westown Shopping Area



Key

 Leashed Control Areas

Barrett Domain



Key



Leashed Control Areas



Prohibited Areas
(Barrett Lagoon - wetland area only,
Pond - wetland and water areas)

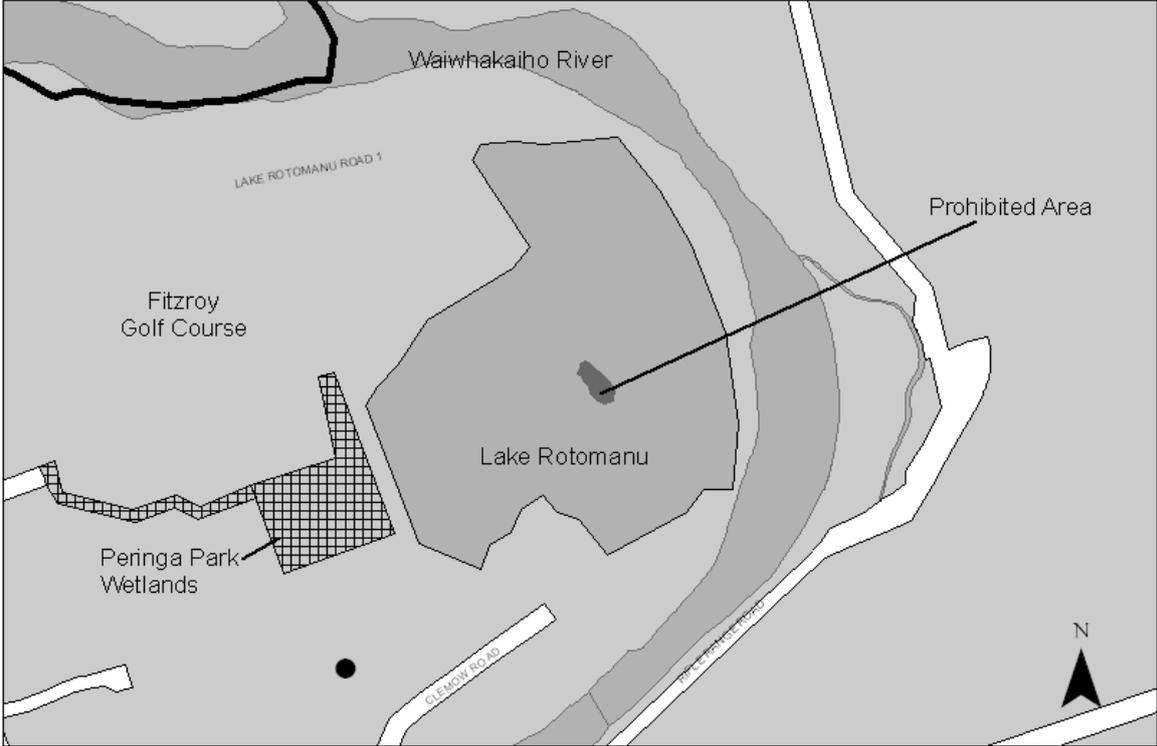


Prohibited Playgrounds



Trail

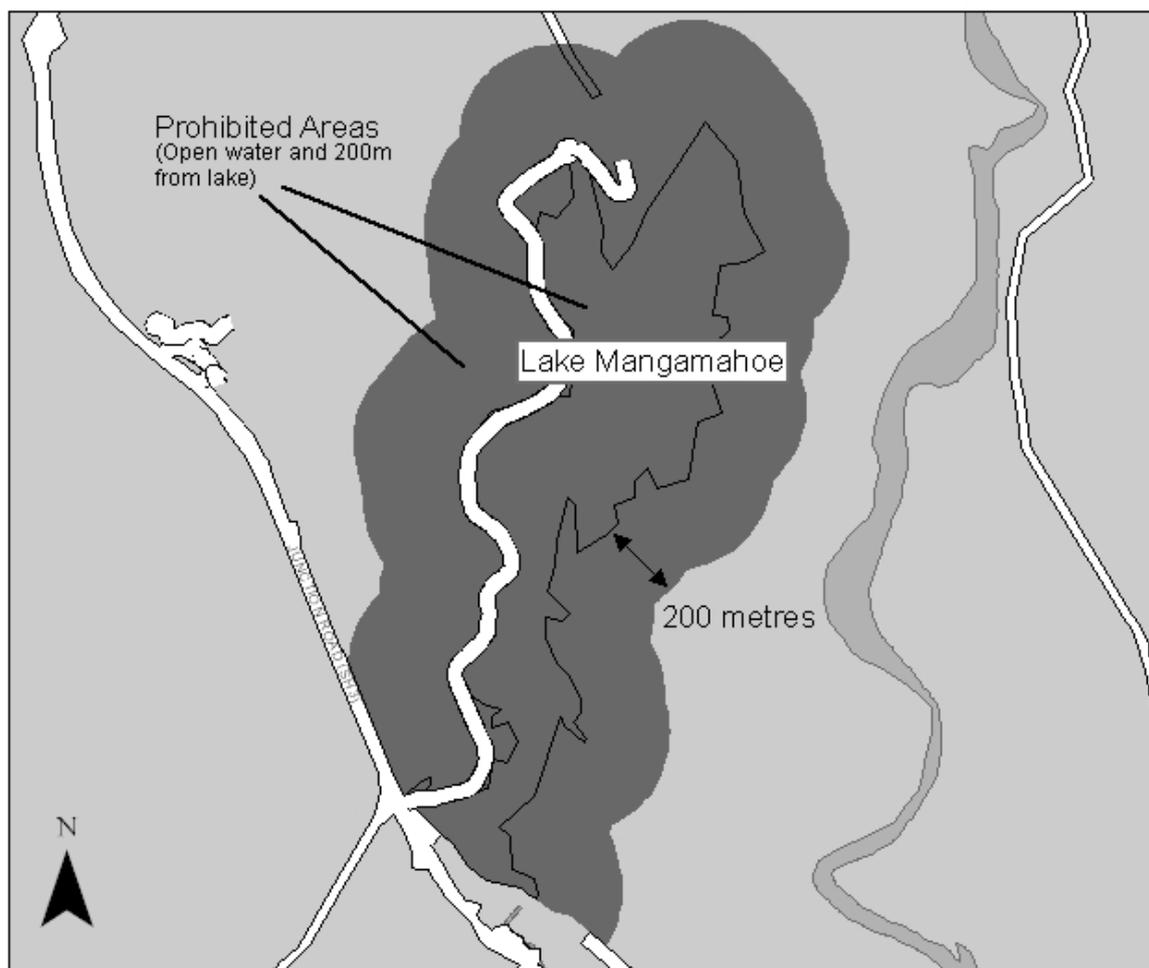
Lake Rotomanu / Peringa Park Wetlands



Key

	Leashed Control Areas
	Prohibited Areas

Lake Mangamahoe

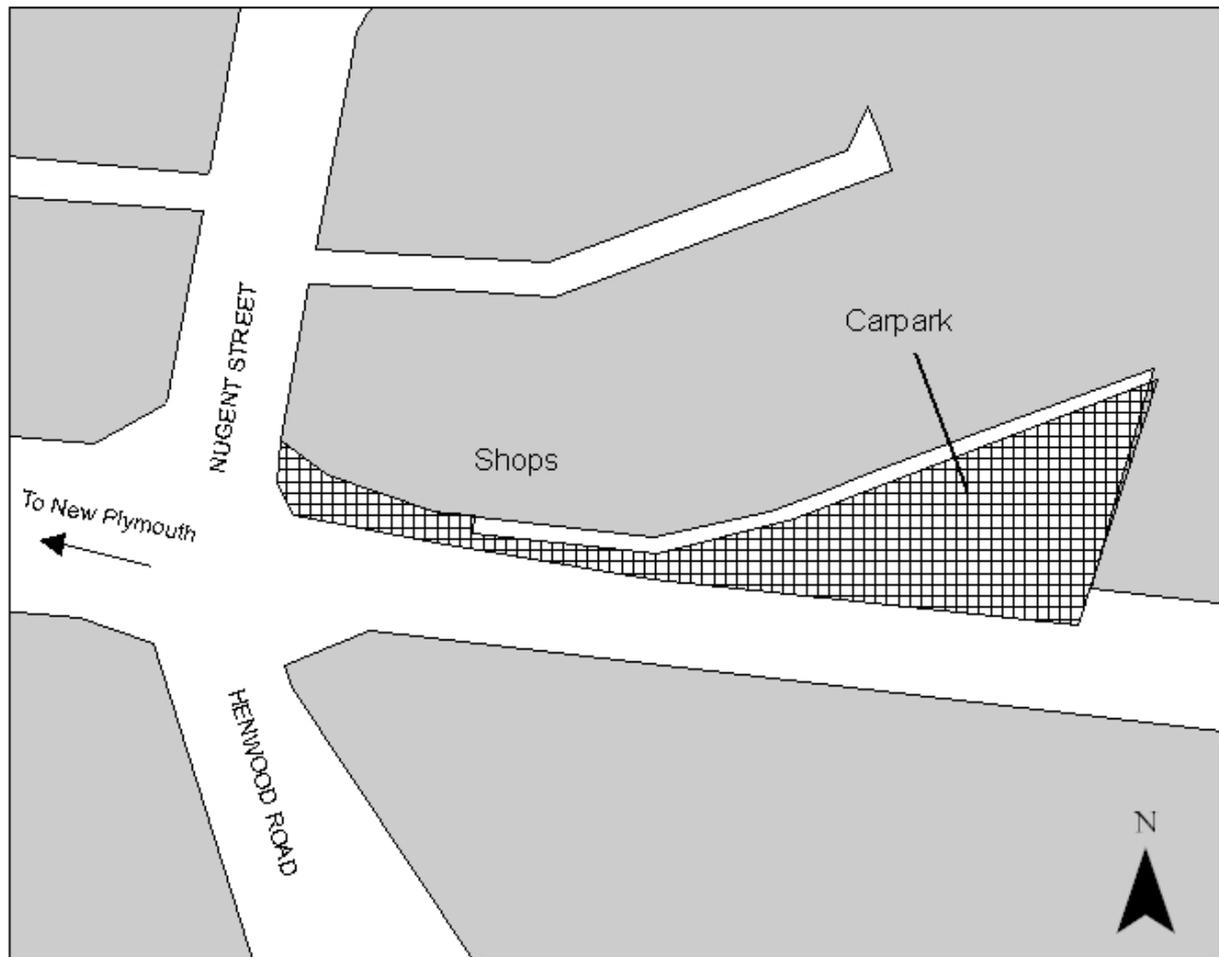


Key

 Prohibited Areas
(Open water and 200m
from lake)

Bell Block

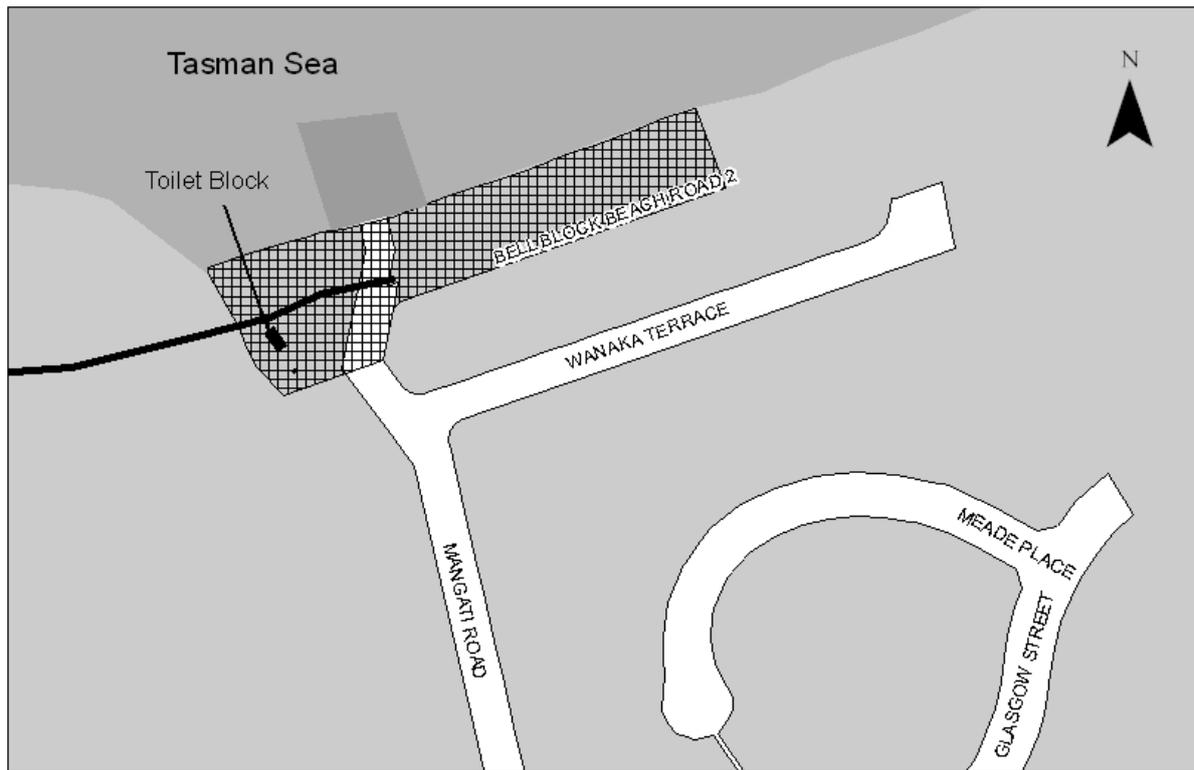
Bell Block Shopping Area – Devon Road



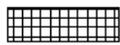
Key

 Leashed Control Areas

Bell Block Beach



Key

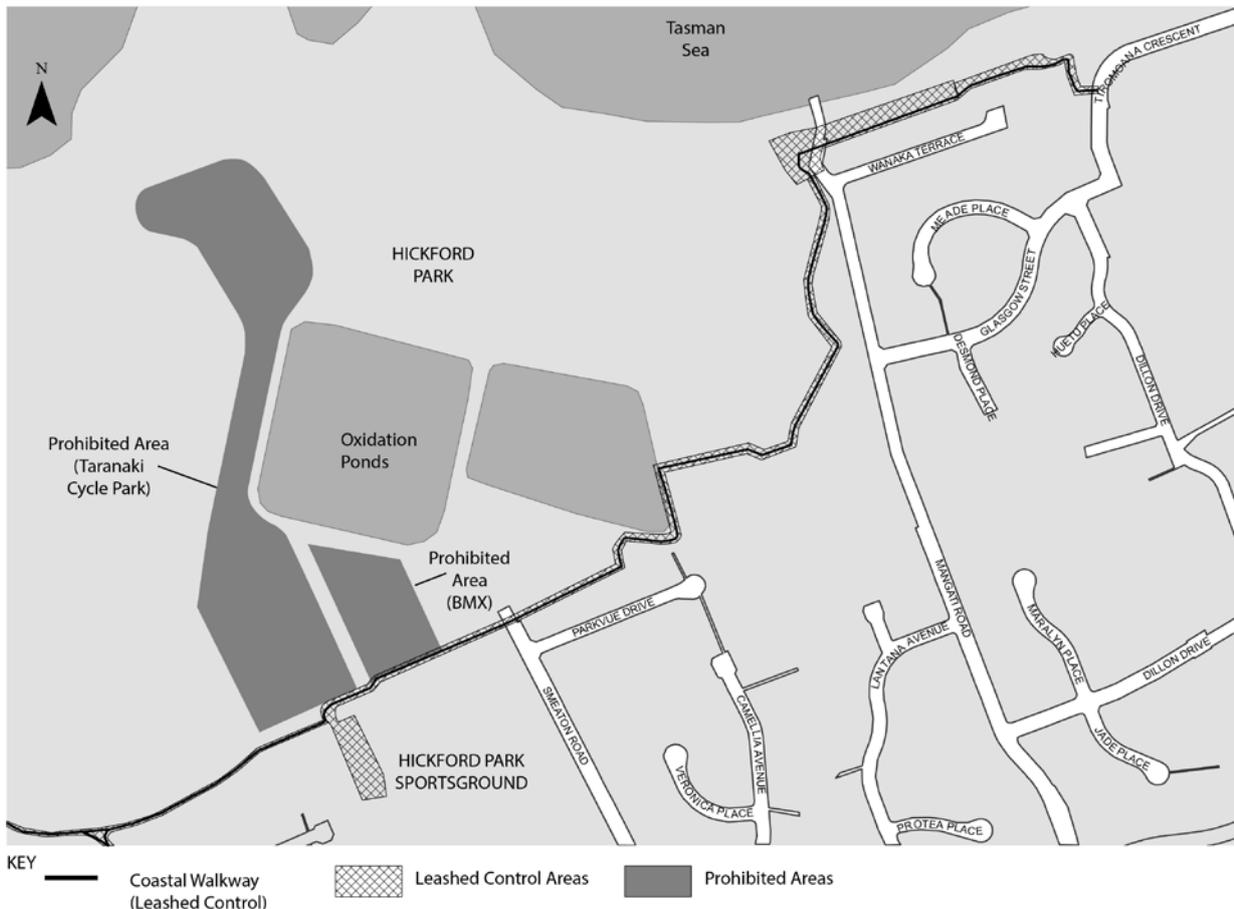


Leashed control area between August & April



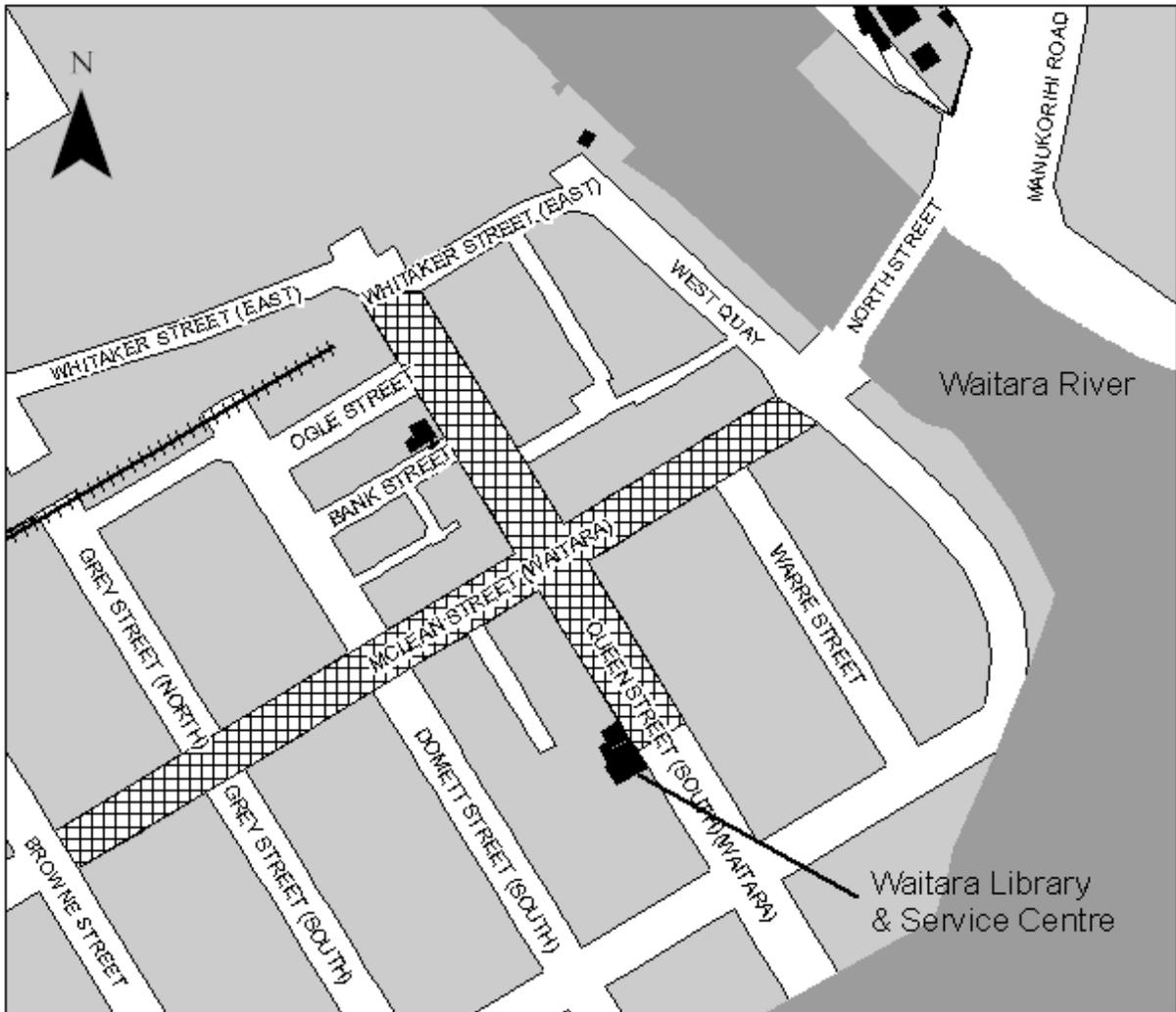
Coastal Walkway

Hickford Park Cycle Facilities



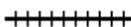
Waitara

Waitara Main Shopping Area



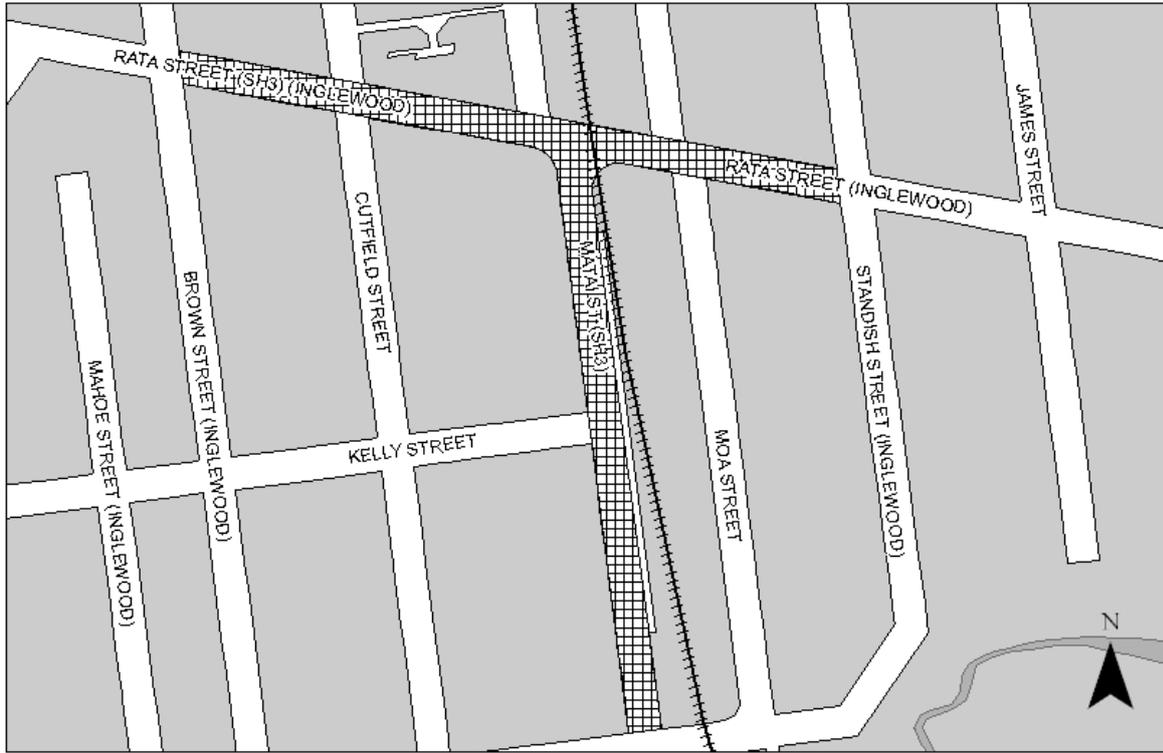
Key

 Leashed Control Areas

 Railway Track

Inglewood

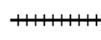
Inglewood Shopping Area



Key



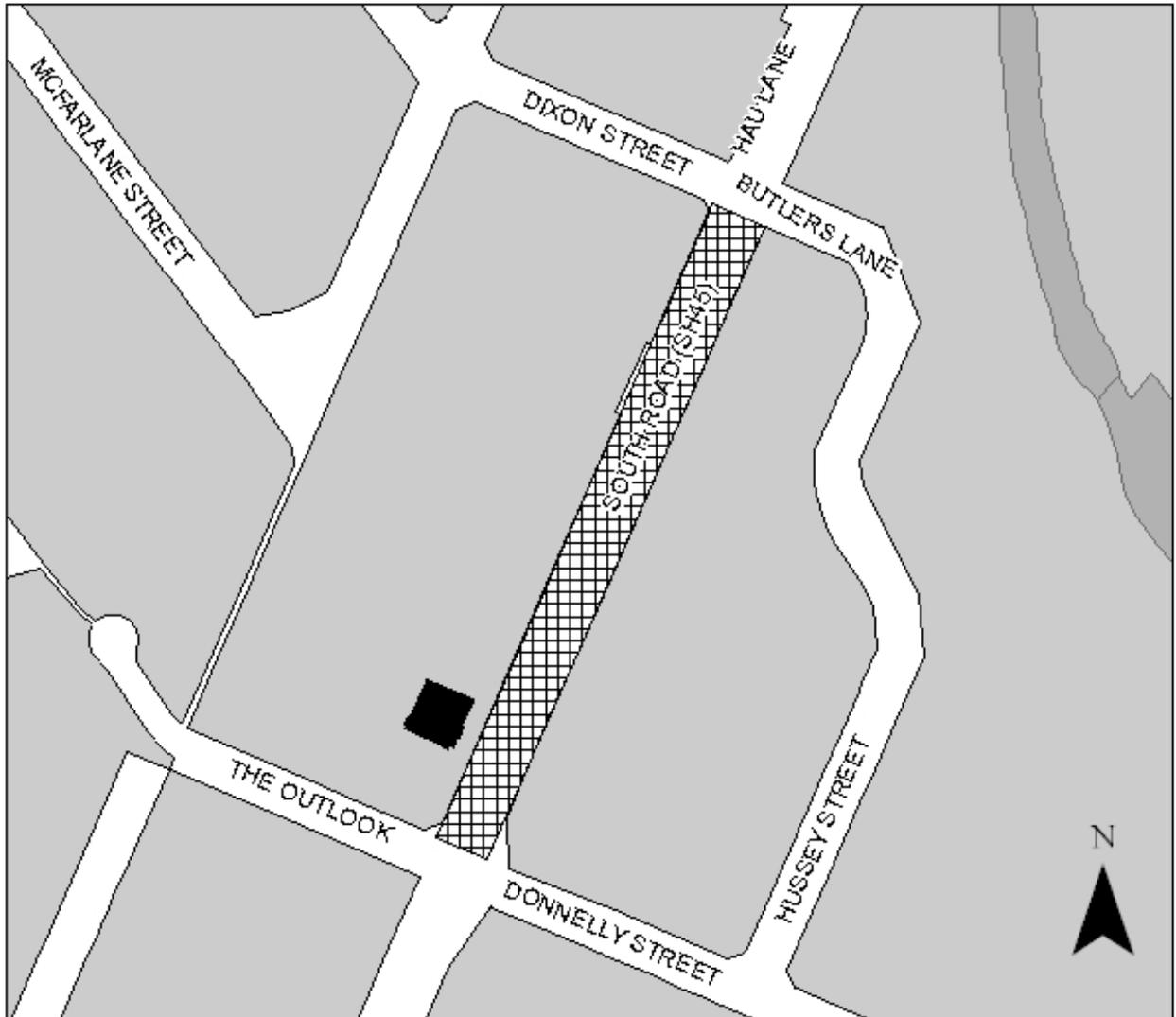
Leashed Control Areas



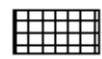
Railway Track

Oakura

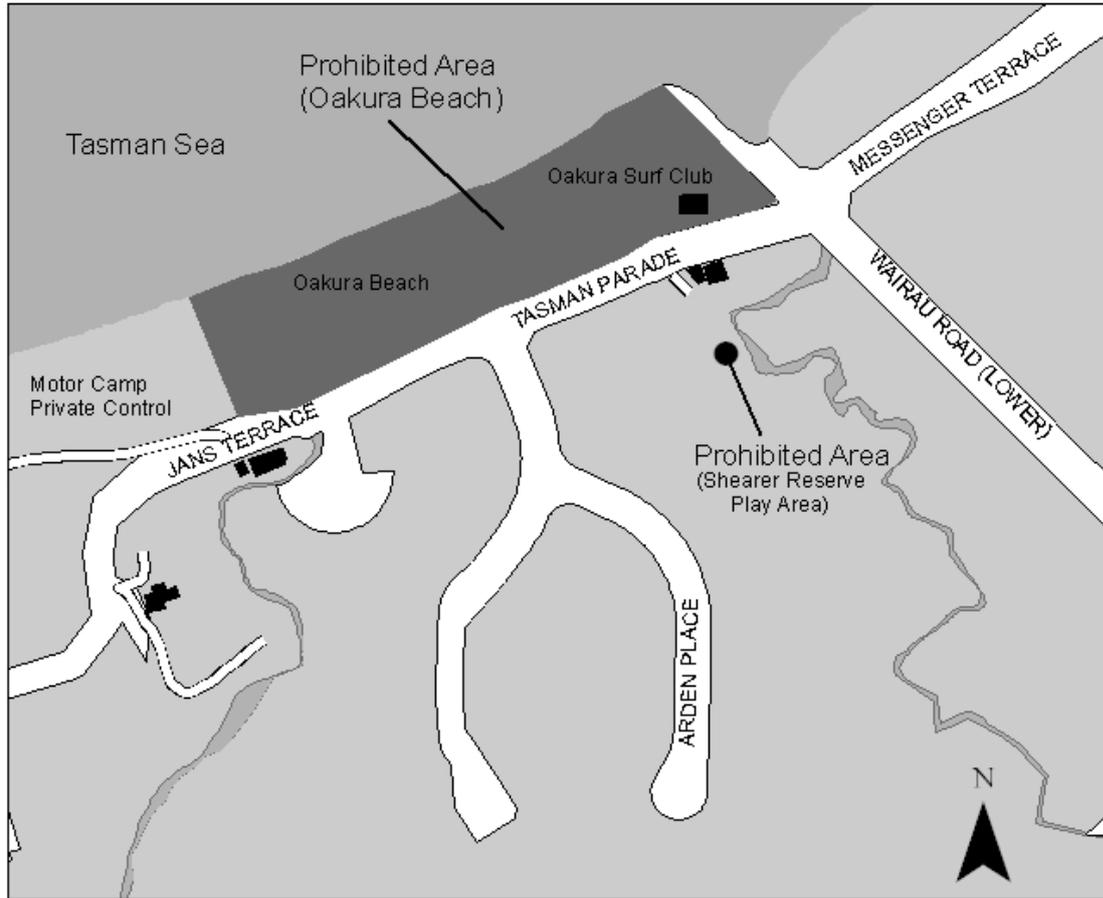
Oakura Shopping Area



Key

 Leashed Control Areas

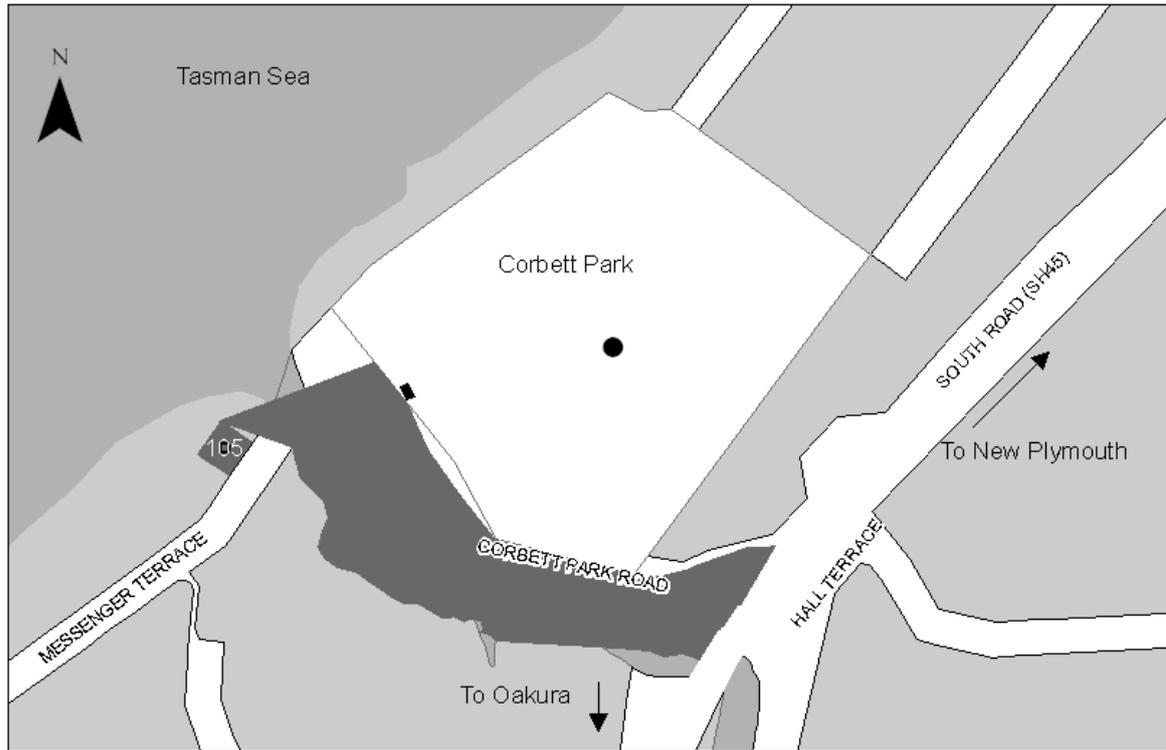
Oakura Beach



Key

-  Prohibited Areas
(Oakura Beach Area prohibition applies from 9am to 6pm during daylight saving)
-  Prohibited Playgrounds

Oakura River and Corbett Park

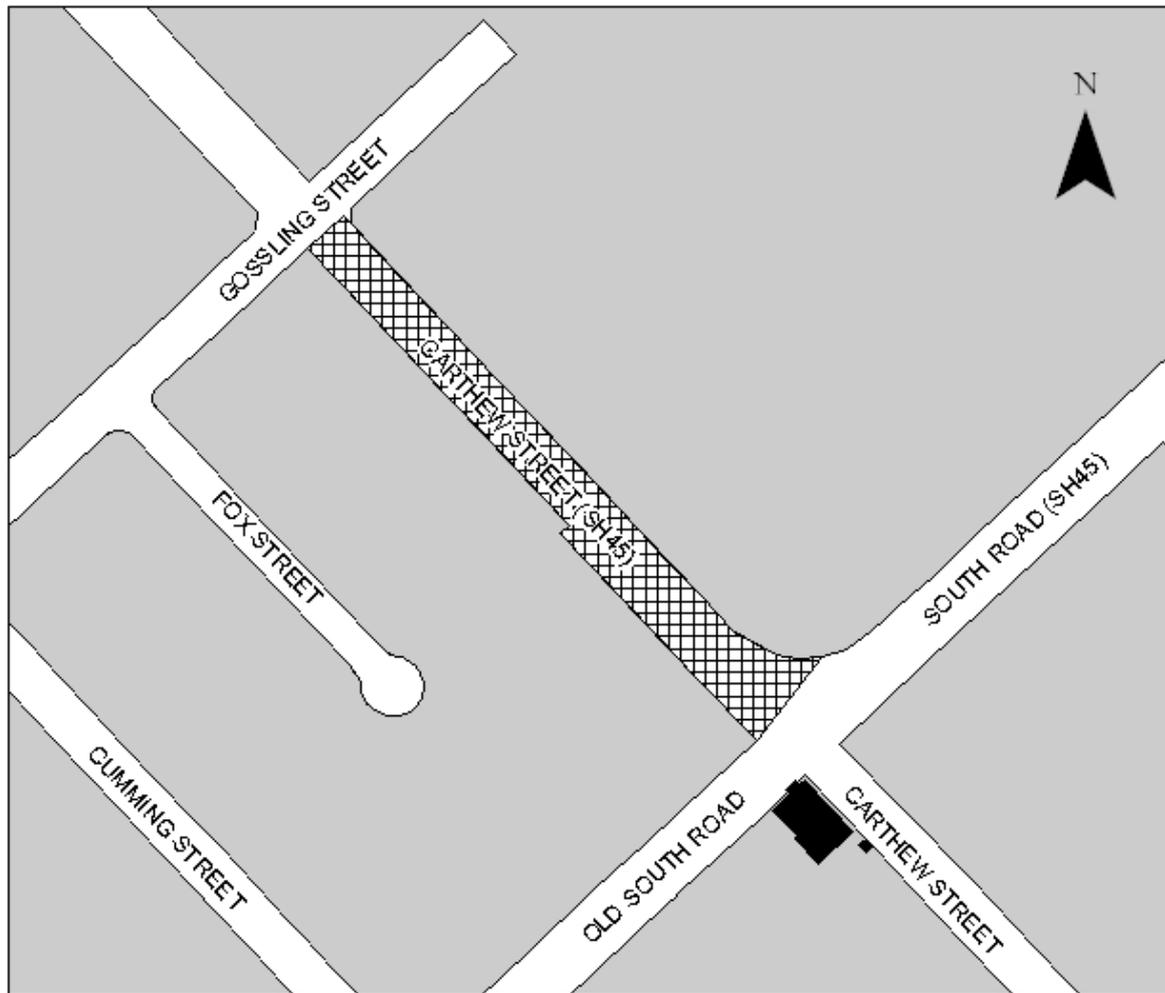


Key

- Prohibited Areas
(Oakura River - Corbett Park area
prohibition applies from
9am - 6pm during daylight saving)

Okato

Okato Shopping Area

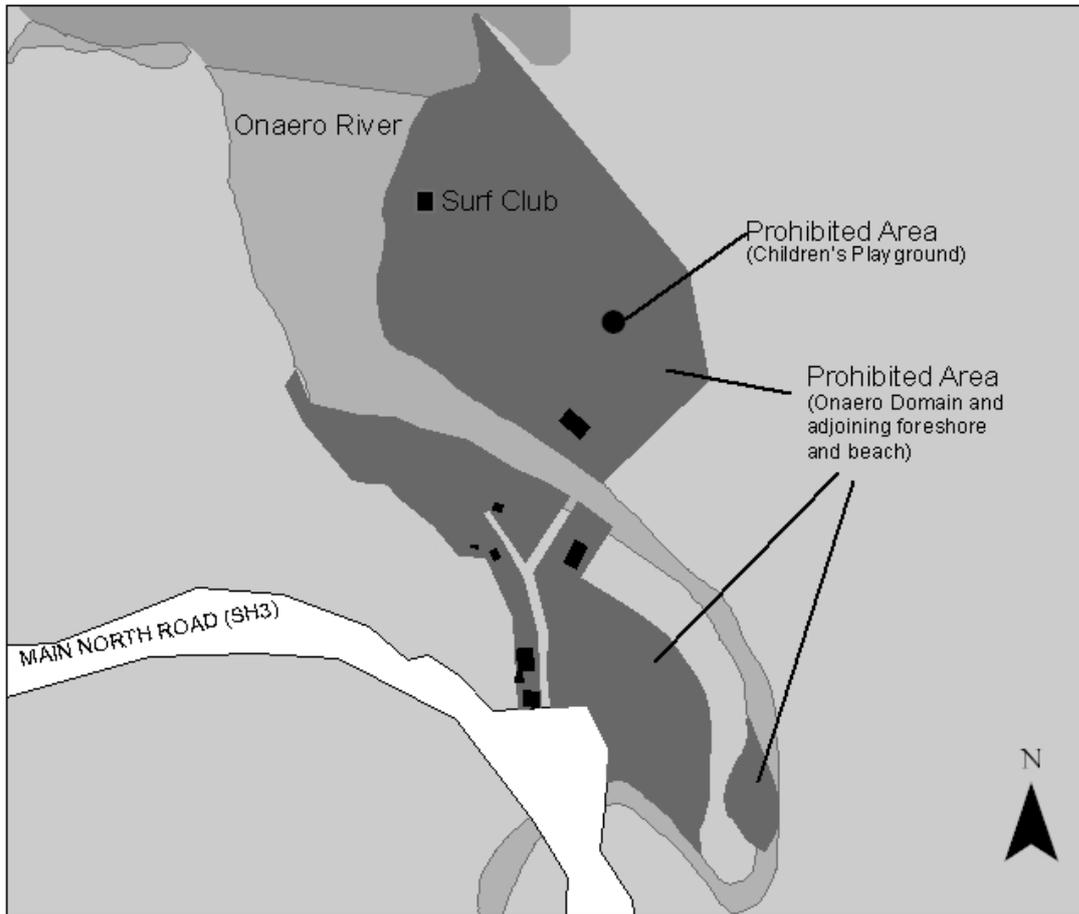


Key

 Leashed Control Areas

Onaero

Onaero Domain and Adjoining Beach Area



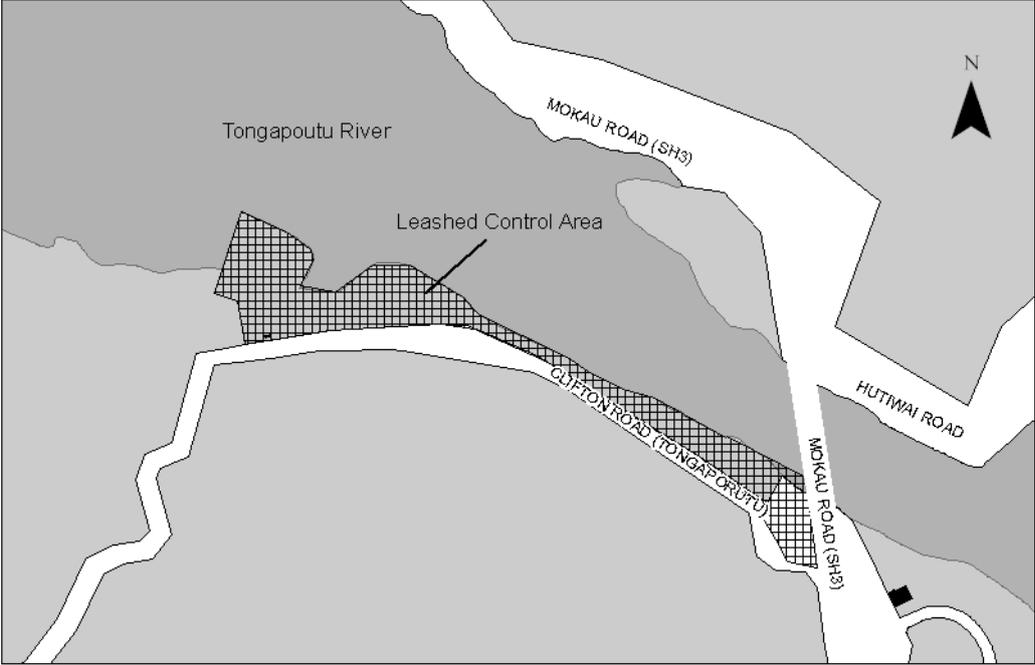
Key

■ Prohibited Areas
(Onaero Domain and adjoining foreshore and beach area except the area occupied by baches, prohibition applies from 9am - 6pm during daylight saving)

● Prohibited Playground

Tongaporutu

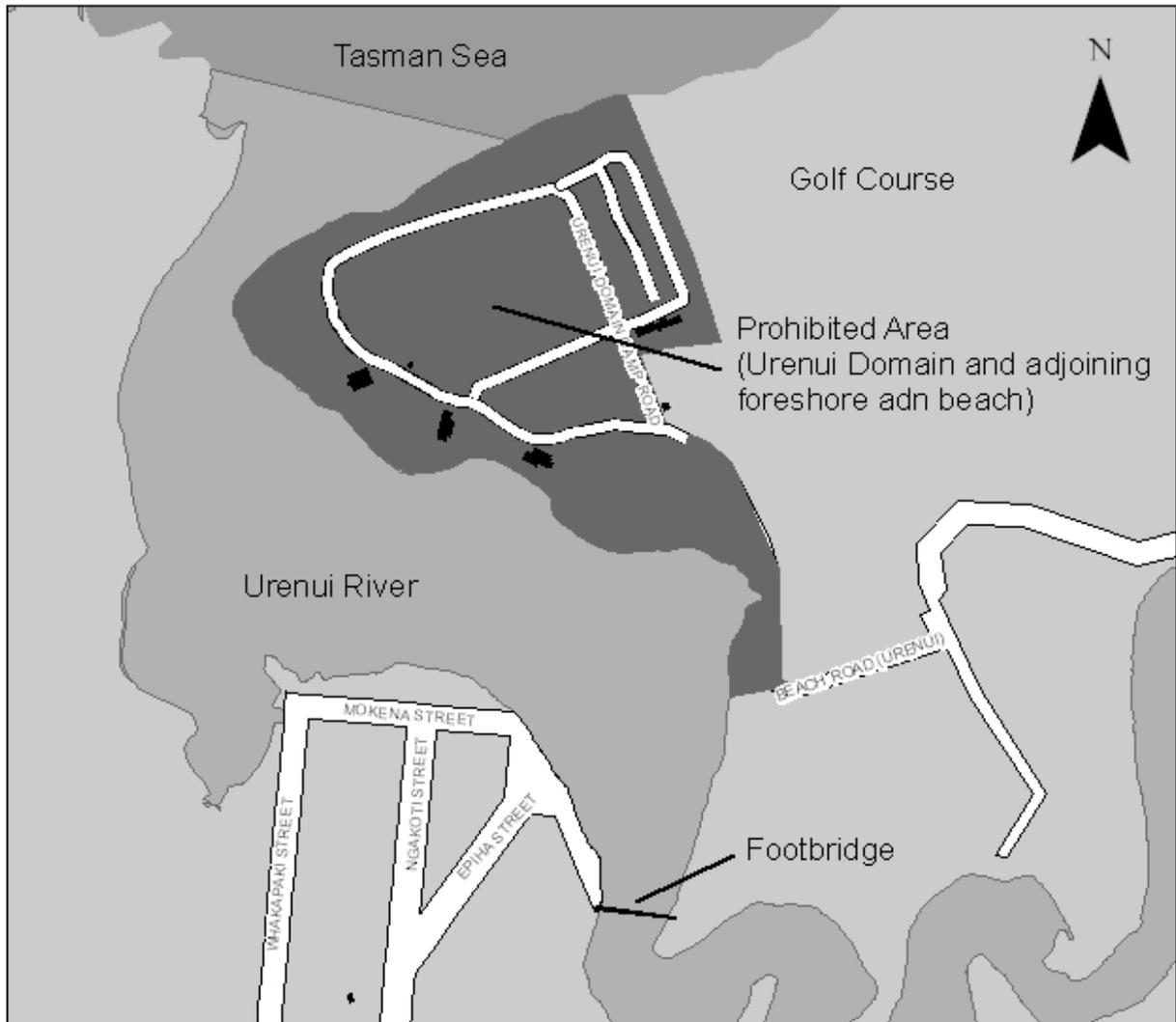
Tongaporutu Domain



Key  Leashed Control Areas

Urenui

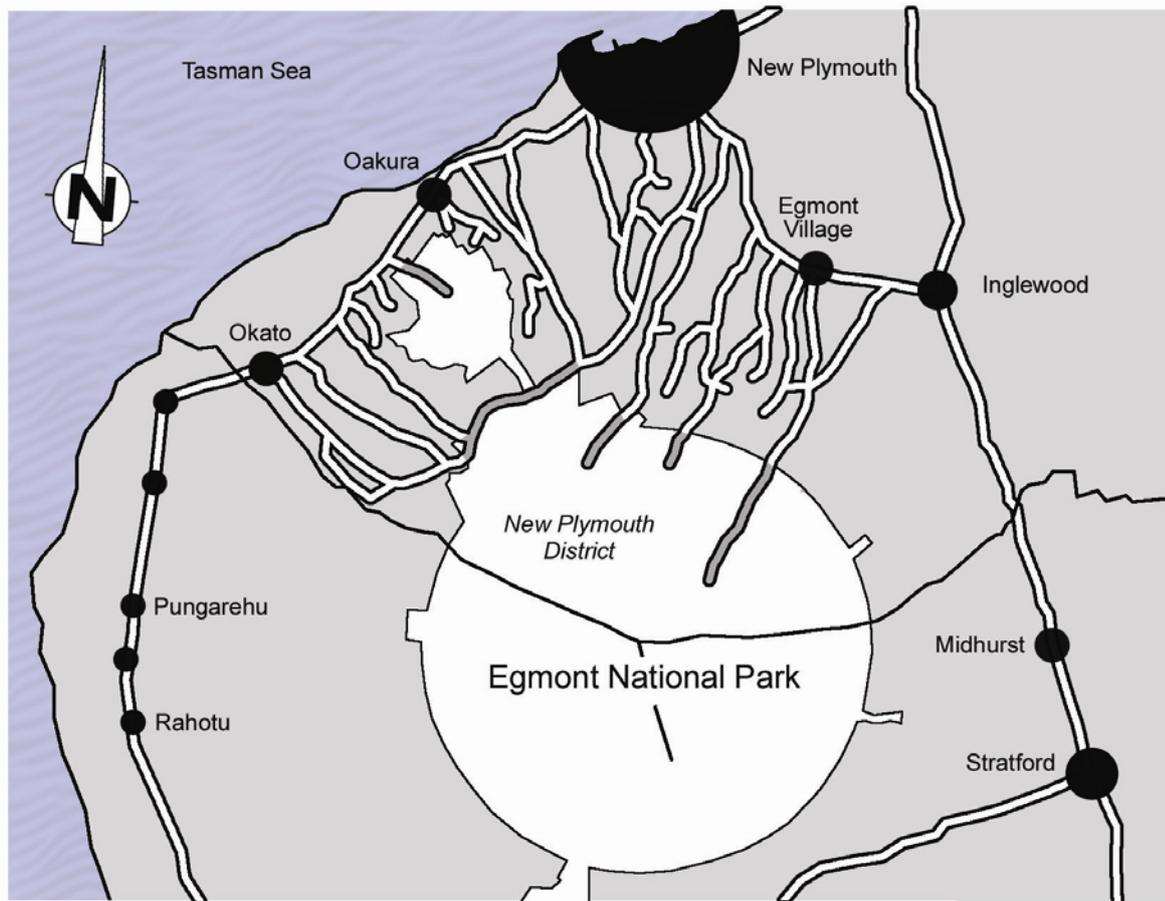
Urenui Domain and Adjoining Beach Area



Key Prohibited Areas

Egmont National Park

Note. Dogs are banned from the Egmont National Park under the National Parks Act 1980, administered by the Department of Conservation.



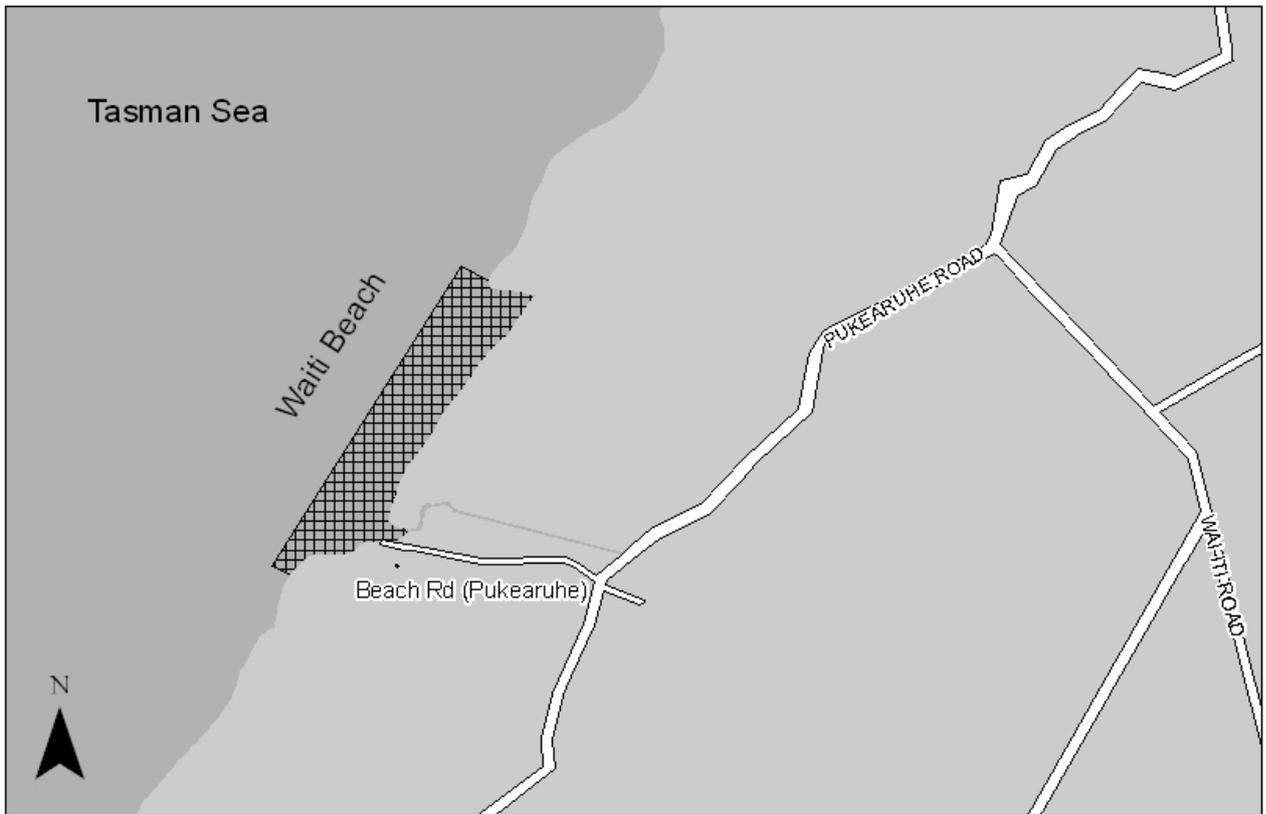
Key



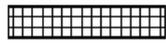
Prohibited Areas
(All areas of road reserve within the boundaries of Egmont National Park)

Waiiti

Waiiti Beach

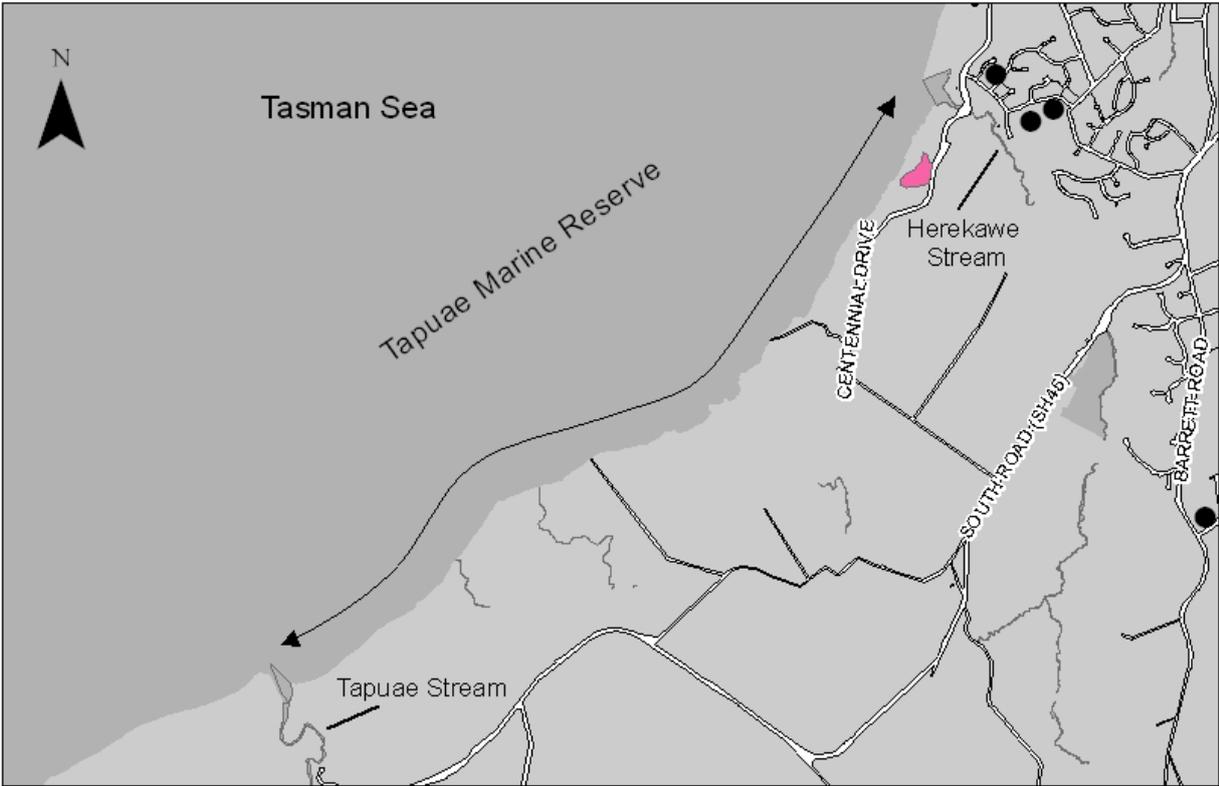


Key



Leash control area between August & April

Tapuae Marine Reserve

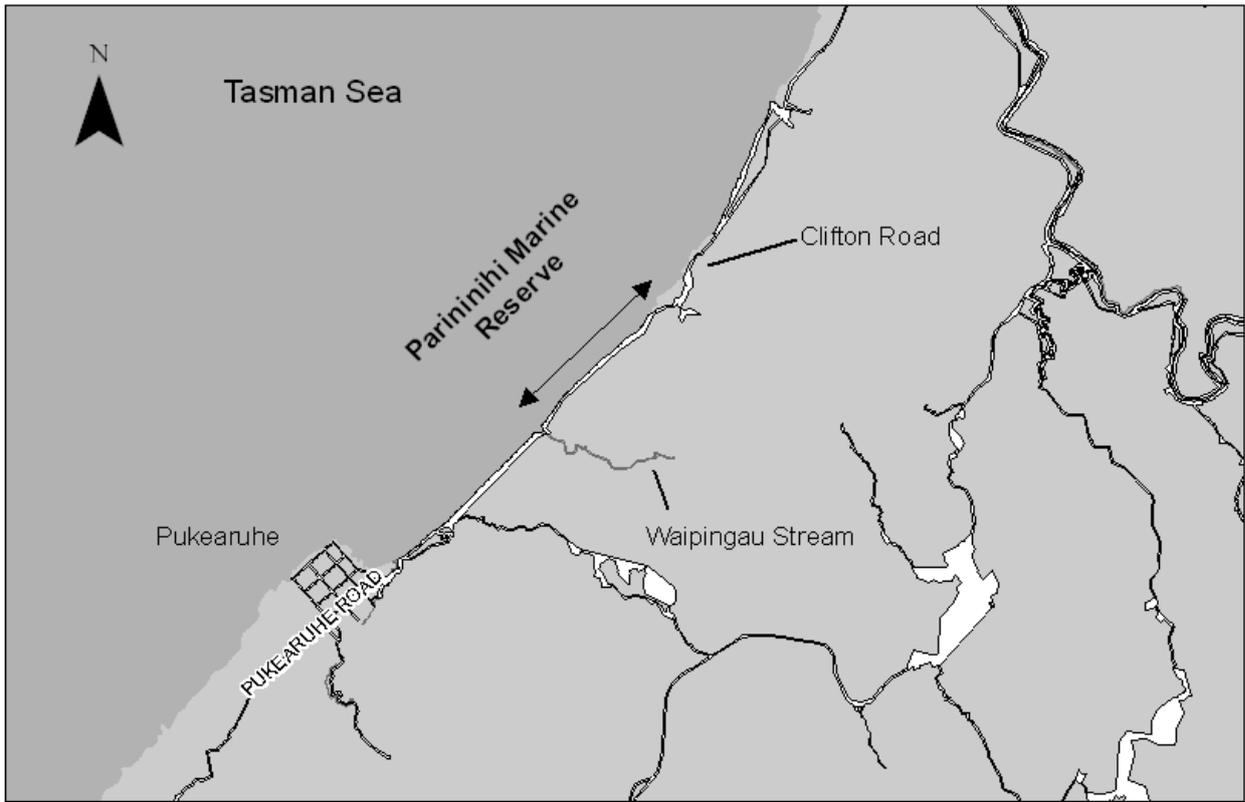


Key

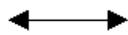


Leash control area between August & April

Parininihi Marine Reserve



Key



Leash control area between August & April