

14.3 BYLAW - PAPER ROAD

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File Number: N/A

The Council is satisfied that, pursuant to s48(1)(a)(i) of the *Local Government Official Information and Meetings Act 1987*, the information to be received, discussed or considered in relation to this agenda item is:

- s7(2)(c)(ii) the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.

PURPOSE

The purpose of this report is to seek Council approval for the draft bylaw Cape Palliser Paper Road to go out for consultation later this year. Including the draft bylaw, draft consultation document and statement of purpose.

EXECUTIVE SUMMARY

This bylaw introduces regulatory controls over the use of the unformed legal road —commonly known as "Cape Palliser paper road" at Cape Palliser. The bylaw aims to:

- **Establish clear permission:** Limit and regulate public access to the paper road to ensure safety and prevent access to the neighbouring private property.
- **Protect the environment:** Reduce erosion, vegetation damage, and habitat disruption by controlling vehicle and foot traffic in sensitive areas located on the private land and paper road.
- **Enforcement mechanisms:** include signage and penalties for non-compliance for the bylaw.
- **Support affected landowners:** Recognise that paper roads can adversely impact nearby property owners—through issues like trespassing, biosecurity risks, or disrupted land use. The bylaw includes measures to support and protect these landowners through enforcement measures.

RECOMMENDATIONS

That *the Strategy Working Committee*:

1. **determines** that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems;
2. **determines** that in accordance with section 155(2)(a) of the Local Government Act 2002 the draft Bylaw is the most appropriate form of bylaw;

3. **determines** that in accordance with section 155(2)(b) of the Local Government Act 2002 the draft Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990;
4. **endorses** to adopt the Cape Palliser Paper Road Bylaw Statement of Proposal (Attachment 1) and draft Cape Palliser Paper Road Bylaw (Attachment 2) for adoption by the South Wairarapa District Councils for community consultation
5. **delegates** authority to the Chief Executive to approve minor edits that do not alter the intent of the content, prior to publication of the draft bylaw and statement of proposal for consultation.
6. **notes** that public consultation, using the special consultative procedure, is proposed to run from July 2025;

BACKGROUND

The paper road located out at Cape Palliser has been a long-standing issue for the landowners and the Council, the mechanism to close a paper road, is slow and expensive. The solution to the issue at hand is for a bylaw to be placed on the remaining part of the paper road restricting access by people and vehicles other than the landowners or other government agency.

We prepare bylaws for our community when we think it's necessary to:

- protect the public from nuisance and damage to landscape and significant areas;
- maintain, promote and protect public health and safety, or
- minimise the potential for offensive behaviour in public places.

DISCUSSION

The key points of this bylaw are:

1. **Restricted Access** – restricts pedestrians, bicycles and vehicle access to protect the environment, health and safety, privacy of landowners and the protection of significant areas. There is still walking access available along the foreshore.
2. **Public Use Rights** – Some bylaws allow pedestrian and non-motorized access while banning heavier or disruptive activities, this is not the case here in this bylaw. There is an ability for the landowners to provide access to those they are comfortable providing access to such as family members, iwi members or the public.
3. **Emergency Response** – Should there be an emergency response needed in relation to a Civil Defence Emergency Management emergency response and recovery, the landowners give access (with consultation), which is deemed appropriate by the Council.
4. **Enforcement and Penalties** – Fines or penalties will apply for unauthorised use, damage, or obstruction of a paper road.

This bylaw ensure that the paper road is managed in a way that balances health and safety, environmental protection, and private land interests.

COMPLIANCE SCHEDULE

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of low significance. We plan to pre-consult with key stakeholders of the Cape Palliser community and seek their support for the bylaw. Then later in the year we will go to a full consultation prominently in the South Wairarapa District but including CDC and MSDC.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the Long Term Plan) that relate to this decision.	This report complies with Section 145, 150 of the Local Government Act 2002 and Section 22AB (1)(g) of the Land Transport Act 1998.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	The following implications for Māori include: <ul style="list-style-type: none"> We have meet with landowners and Hapū - Ngāti Hinewaka on various occasions to seek guidance from them in relation to the bylaw and its intent to protect their private land. This draft bylaw is with the wider landowners and Hapū - Ngāti Hinewaka members for consideration and for them to provide a preface for our bylaw.
Chief Financial Officer review	The Chief Financial Officer has not reviewed this report.
State the possible implications for health and safety	There are no health and safety considerations, other than those noted in the bylaw.

APPENDICES

Appendix 1 Draft comms plan + Draft bylaw

Released

Engagement Plan - DRAFT April 2025

Cape Palliser paper road & Ngāti Hinewaka hapū

Purpose

Protection project for the heritage and the environment

To lead with a vision of respecting the heritage of this area – the heritage covenants

The purpose of this Engagement Plan (the Plan) is to outline engagement activities relating to the restriction of access to private land located past the Cape Palliser lighthouse.

Context

To protect the South Wairarapa coast's fragile natural environment and complex ecosystem, the 'Cape Palliser paper road' bylaw will be put in place to ensure restricted use of the paper road along the south tip of the coast from beyond the lighthouse at Cape Palliser to Te Awaiti, Tora and Te Unuunu (Glenburn).

This bylaw will stop public access (both vehicle and on foot) at the entrance to the paper road and its surrounding environment. The foreshore will still be accessible and allow the community to enjoy the coast while respecting the land that the paper road is situated on.

A new structure and / or gate, along with signage, will ensure that visitors and the community understand the paper road is not open to the public.

Background

The South Wairarapa District Council is working with the local hapū, Ngāti Hinewaka, to resolve a situation that has caused generations of hurt and distress and had a negative impact on the community of Ngawi. Beyond the Palliser Lighthouse, the southern tip of the South Wairarapa coast stretches to Te Awaiti, Tora and Te Unuunu (Glenburn). This area has been subjected to vandalism and the destruction of native flora and fauna through the use of 4WD trucks and quad bike owners. This vandalism has been to both the gate and the natural environment. These actions are destroying the natural habitat of birds, insects, marine life, native grasses, lichen and other organisms that make up this delicate ecosystem.

The fragile natural environment of the south coast is under constant threat from coastal erosion, which is exacerbated by members of the community and visitors using the paper road.

The council wants to manaaki this coastal taonga for all to enjoy and begin a process of healing for the Ngāti Hinewaka hapū and for future generations.

The mechanism to close a paper road is slow and expensive. The solution to the issue at hand is for a bylaw to be placed on the remaining part of the paper road restricting access by people and vehicles other than the landowners or other government agency.

We prepare bylaws for our community when we think it's necessary to:

- protect the public from nuisance and damage to landscape and significant areas;

- maintain, promote and protect public health and safety, or
- minimise the potential for offensive behaviour in public places.

Please find visual evidence of the destruction in Appendix one.

The Bylaw

The bylaw aims to:

- **Establish clear permission:** Limit and regulate public access to the paper road to ensure safety and prevent access to the neighbouring private property.
- **Protect the environment:** Reduce erosion, vegetation damage, and habitat disruption by controlling vehicle and foot traffic in sensitive areas located on the private land and paper road.
- **Enforcement mechanisms:** include signage and penalties for non-compliance for the bylaw.
- **Support affected landowners:** Recognise that paper roads can adversely impact nearby property owners—through issues like trespassing, biosecurity risks, or disrupted land use. The bylaw includes measures to support and protect these landowners through enforcement measures.

Find the draft bylaw in Appendix two.



Plan phases

This document covers Phase one of the engagement:

1. Engagement and socialisation of the draft Bylaw with key stakeholders (see: Key Stakeholder table), gain community support for this project, for the hapū and for the natural environment.
2. Public consultation under the Local Government Act 2002 where any new bylaw must be publicly consulted on. This phase two will commence in July 2025 (note: this will be outlined in a separate document).

Roles

Who
Narida Hooper, SWDC Pou Māori
Jess Hughes, SWDC Legal Executive
Tim Langley, SWDC Roding
Nigel Carter, SWDC Health and Safety
Lina McManus, SWDC Grants and Funding
Communications Team
Ngāti Hinewaka hapū - Haami Te Whaiti & Leighton Hale
Jacquelyn L Middleton (Landowner)
DOC (Landowner)

Timeline

What	When
January – March 2025	
April 2025	Drafting of Bylaw
30 April 2025	Paper to SWC
May – June 2025	Phase one – stakeholder engagement
July – August 2025	Phase two – public consultation

Key messages (general)

This bylaw ensure that the paper road is managed in a way that balances health and safety, environmental protection, and private land interests.

1. **Working with our partners** - We have meet with landowners and Hapū - Ngāti Hinewaka on various occasions to seek guidance from them in relation to the bylaw and its intent to protect their private land. This draft bylaw has been reviewed by wider landowners and Hapū - Ngāti Hinewaka members.
2. **Restricted Access** – restricts pedestrians, bicycles and vehicle access to protect the environment, health and safety, privacy of landowners and the protection of significant areas. There is still walking access available along the foreshore.
2. **Public Use Rights** – Some bylaws allow pedestrian and non-motorized access while banning heavier or disruptive activities, this is not the case here in this bylaw. There is an ability for

the landowners to provide access to those they are comfortable providing access to such as family members, iwi members or the public.

3. **Emergency Response** – Should there be an emergency response needed in relation to a Civil Defence Emergency Management emergency response and recovery, the landowners give access (with consultation), which is deemed appropriate by the Council.
4. **Enforcement and Penalties** – Fines or penalties will apply for unauthorised use, damage, or obstruction of a paper road.

Key stakeholders

Who	Interest	Notes / comm method (meeting, email, phone)	Responsible
Phase 1			
Ngawi community and Ratepayers association		Community meeting - combined with Speed Review.	SWDC
Other Landowner			Haami Te Whaiti with support from SWDC.
Ngawi Volunteer Fire Bridge	Fire and emergency management	Community meeting at Waimea	SWDC
Kawakawa Station	Local community members		
Waimea campground	Local community members		
Golf course (Local members)	Local community members		
Kawakawa 1D2	Other Landowners in the area.	Meeting at SWDC office	SWDC
DOC	Stakeholder/Land owner	Call/meeting	SWDC
Māori Standing Committee and/or local community boards	Community Interest	Meeting at SWDC office.	SWDC

Engagement schedule

To be completed once stakeholder list is finalised

Activities	Details	Who's attending
Ngawi community meeting	Community meeting - combined with Speed Review.	Ngawi community and Ratepayers association Donna Fenwick

Activities	Details	Who's attending
Community meeting at Waimea	Community meeting, with other landowners and key community members and clubs/committees.	Ngawi Volunteer Fire Bridge Kawakawa Station Waimea campground Local Golf course members
Meeting at SWDC office	Other Landowners in the area	Kawakawa 1D2 - Ngaere Webb and Karen Mikaera
Meeting in person/call with DOC representatives.	Call and in person meetings at SWDC offices.	DOC/Māori Standing Committee

Risks

Risk	Mitigation
Misinformation about bylaw and reason for bylaw	Pre-engagement with local community
Members of the public – legal challenge	Sound reasoning for bylaw

FAQs

Why:

- Protection of significant areas of historical, cultural, and ecological significance, including wāhi tapu and areas of importance to tangata whenua.
- Health and safety for members of the public, restricting access to the active slip located further around the paper road.
- Freedom camping bylaw, providing support to the Freedom Camping bylaw by restricting access to camping on private land, located on either side of the paper road.
- Reducing the likelihood of fires from people illegally camping.
- Mitigating harm for the landowners, from members of the public.
- Access to the DOC land is still available by foot access along the foreshore.

Appendix one

Appendix two

BYLAW TO RESTRICT VEHICLE ACCESS TO THE CAPE PALLISER PAPER ROAD SOUTH WAIRARAPA DISTRICT COUNCIL

1. TITLE AND COMMENCEMENT

- 1.1. This bylaw shall be known as the "Paper Road Vehicle Access Restriction Bylaw 2025."
- 1.2. This bylaw shall come into force on [INSERT DATE].

2. PREFACE

- 2.1. This proposed bylaw concerns an unformed paper road between the Cape Palliser Lighthouse and further east over several Māori owned land blocks up to the Waitutuma Stream approximately 3kms away. The land on the east side of the Waitutuma Stream is Crown owned land belonging to the Department of Conservation.
- 2.2. In the past Council has insisted that the Māori landowners cannot impede public use of the paper road but simultaneously has refused to fence it off. Consequently, apart from a couple of unlocked gates, the public has had unfettered access along this stretch of the south coast for many years, which has resulted in several tracks being created at will which wander over our land.
- 2.3. Public use of this unformed road in the past has mainly provided for access to the coast for recreation such as surfing and diving, and also camping. There have been a number of fires on our land caused by campers which have burnt large areas of native scrub and bush; the largest such fire in recent times was in 1990 which burnt across the entire hillside from the Waitutuma Stream to the hill behind the lighthouse. More recently groups of 4WD vehicles have been filmed driving across our land after heavy rains, causing serious damage e.g. doing 'wheelies' through the puddles resulting in deep ruts. The vehicles don't stop on the track but continue into the paddock forming more tracks and ruts from 'wheelies' and 'donuts'. The damage is shocking and as a result a 'right of passage' through our land is no longer tenable.
- 2.4. Much of the land between the lighthouse and the Waitutuma Stream is under a QEII covenant. The entire coast strip is designated an Historic Area under the Heritage NZ Act. Most of the lighthouse land was returned to its former Māori owners as a Māori Reserve because of its waahi tapu values containing ancestral burials. The Māori land blocks are named after Kupe, the earliest Polynesian explorer who spent some time on this part of the coast and several placenames record this history. There is a significant pā site just east of the lighthouse named Ōrangikorero.
- 2.5. This land is deeply scarred and in order for the land to heal we need to close it to public access indefinitely and work with Council to restore the land and consider what kind of access is needed for the safe and respectful passage over our land by the public in the future.

3. BACKGROUND

Bylaws are local laws made by councils under national legislation. We make bylaws for our communities when we think it's necessary to:

- 3.1. protect the public from nuisance,
- 3.2. maintain, promote and protect public health and safety, or
- 3.3. minimise the potential for offensive behaviour in public places.

4. SCOPE

- 4.1. The purpose of this bylaw is to restrict pedestrians, bicycles and vehicle access, as defined by the Land Transport Act 1998, on the Paper Road marked on the map in “Black dots” in order to protect public health and safety, safeguard culturally significant areas, and ensure environmental sustainability, while allowing pedestrian and bicycle access in accordance with clauses 6 and 7.

5. DEFINITIONS

The definitions below apply to all parts of this bylaw, unless stated otherwise. Definitions specific to a particular part of the bylaw are provided in that part. Refer to the applicable New Zealand Legislation at www.legislation.govt.nz for terms that reference legislation.

Landowners: Department of Conservation, Mātakitaki Trust Jacquelyn L Middleton and Hairata N Tahona the registered owners of the land surrounding the Paper Road.

Council: means South Wairarapa District Council and includes any officer authorised to exercise the authority of the Council.

Paper Road: refers to the legal but unformed road known as Cape Palliser Paper Road marked on the map in “Black dots”.

LGA means the Local Government Act 2002.

Authorised Officer: means any officer or agent appointed by Council working within their delegations, including any officer for the time being an Enforcement Officer, or an Environmental Health Officer. Authorised Officers have powers of entry as prescribed by sections 171-174 of the LGA.

Enforcement Officer: means:

- any person appointed by a local authority under section 177 of the LGA, the Reserves Act 1977, the Freedom Camping Act 2011, the Litter Act 1979, or any other Act by which any person is appointed, to exercise the powers of an enforcement officer, including enforcement of the bylaws of the local authority; or
- a constable; or
- a Police employee who is not a constable who is authorised for the purpose by the Commissioner of Police; or
- a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act.

Environmental Health Officer: means a person appointed under section 28 of the Health Act 1956.

Restricted Area: refers to the area of the Paper Road where vehicle access is limited under this bylaw.

Significant Area: means any site of historical, cultural, or ecological importance, including but not limited to wāhi tapu, areas of significance to tangata whenua, and protected ecosystems.

Infringement Fee: means the amount prescribed by regulations under section 259(1)(b) of the LGA, for committing an infringement offence.

Infringement Offence: means an offence for which any person can be punished on conviction, by summary process, or by an infringement process. Infringement offences are specified by regulation made under section 259(1)(a) of the LGA.

Motor Vehicle: has the meaning given to it under section 2 of the Land Transport Act but for the purposes of this bylaw does not include pedestrians or two-wheeled bicycles.

6. RESTRICTION OF VEHICLE ACCESS

6.1. No person shall operate or park a Motor Vehicle within the Restricted Area without the prior written approval of the Council, except for:

- f) The Landowners;
- f) Tangata whenua undertaking customary activities, where authorised by the relevant Landowners and in consultation with the Council (where necessary);
- f) Council employees or contractors accessing the area for any reason the Council deems necessary;
- f) Emergency services responding to an incident;
- f) Any access deemed appropriate by the Council as part of Civil Defence Emergency Management emergency response and recovery; and
- f) Any person granted an exemption under clause 7 of this bylaw.

7. EXEMPTIONS

The Council may (in some circumstances following engagement with the Landowners) grant an exemption to individuals or organisations for specific purposes, including but not limited to scientific research, and conservation efforts, subject to conditions that may be imposed to protect health and safety and significant areas.

8. HEALTH AND SAFETY CONSIDERATIONS

8.1. Pedestrians, bicycles and Motor Vehicle access to the Paper Road is restricted due to risks including but not limited to:

- f) Unstable terrain and hazardous natural features;
- f) Potential dangers from ongoing conservation works;
- f) Risk of injury due to lack of formed pathways and infrastructure;
- f) Coastal erosion;
- f) Fire;
- f) Protection of public from any potential biosecurity risks.

8.2. The Council shall ensure appropriate signage is installed to inform the public of pedestrians, bicycles and Motor Vehicle access restrictions, that land is private property and associated hazards.

9. PROTECTION OF SIGNIFICANT AREAS

9.1. The Restricted Area includes land of historical, cultural, and ecological significance, including wāhi tapu and areas of importance to tangata whenua.

9.2. The Council shall engage with the relevant Landowner in implementing this bylaw and determining conditions for exemptions.

9.3. Any person found damaging or disturbing a significant area shall be liable for penalties as outlined in clause 10.

10. ENFORCEMENT AND PENALTIES

10.1. Any person who breaches this bylaw commits an Infringement Offence may be issued with:

- d) A written warning under section 22AF of the Land Transport Act 1998;
- d) An Infringement Fee;
- d) Impound or seizure of property provided for under section 164 of the LGA;
- d) Prosecution under the LGA or other relevant legislation.

11. REVIEW

- 11.1. This bylaw shall be reviewed within three (3) years of its commencement to assess its effectiveness and relevance.

12. MISCELLANEOUS

- 12.1. Nothing in this bylaw shall be interpreted as limiting the rights of tangata whenua under Te Tiriti o Waitangi / The Treaty of Waitangi or relevant legislation.
- 12.2. The Council shall maintain ongoing dialogue with the Landowner regarding the management and future use of the Restricted Area specifically relating to pedestrians and bicycles being permitted access to the Restricted Area unless otherwise specified by the Council for health, safety, or environmental protection reasons.
- 12.3. The foreshore shown on the map is accessible from the car park.

13. APPENDICE

- 13.1. Appendix 1 shows the Restricted Area shown on the map in "Blue" for ease of reference.

Adopted by resolution of South Wairarapa District Council on [INSERT DATE].

Appendix 1

