

#### 9.4 ADOPTION OF THE CAPE PALLISER PAPER ROAD BYLAW

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**File Number:** N/A

##### PURPOSE

The purpose of this report is to seek Council approval for the adoption of the Cape Palliser Road Bylaw 2025.

##### EXECUTIVE SUMMARY

- Council adoption of the Cape Palliser Road Bylaw 2025 (bylaw) is sought
- The Strategy Working Committee (the **Committee**) convened on 24 September 2025 to deliberate on the proposed Bylaw, following extensive community consultation. The committee acknowledged the need for a balanced approach to access, environmental protection, and stakeholder engagement.

After detailed discussions, the committee recommended the following actions to Council:

1. **Bylaw amendment:** Permit access for pedestrians, bicycles, and e-bikes for a 24-month period. Motorised vehicle access is to be restricted, with exceptions for landowners, Department of Conservation, and Council invitees.
2. **Road survey and signage:** Officers are to immediately survey and define the exact route of the Unformed Legal Road (**ULR**) and install appropriate signage to clearly identify the route.
3. **Stakeholder engagement:** Establish a stakeholder access group comprising groups such as Ngāti Hinewaka, the Ngawi community/Ratepayers Association, Council, Rural and Coastal Advisory Group, Department of Conservation, Outdoor Access Commission (Herenga Ā Nuku), Heritage NZ, and the National 4-Wheel Drive Association and any other party Council wishes to invite and which have been identified in the consultation process to explore long-term access solutions.
4. **Camping enforcement:** Council to work urgently with the Department of Conservation to publicise that camping is prohibited at the Stone Wall site.

The Strategy Working Committee resolution is submitted to Council for consideration in its decision, while resolution SWC2025/153 will be actioned by officers and monitored via the Council actions list. These minutes are [here](#).

The committee determined in that same meeting that, in accordance with sections 155(1), 155(2)(a), and 155(2)(b) of the Local Government Act (LGA):

- A bylaw is the most appropriate way of addressing the perceived problems.
- The draft bylaw is the most appropriate form of bylaw.
- The draft bylaw does not give rise to any implications under the New Zealand Bill of Rights Act.
- These determinations were reaffirmed by the committee at its deliberation meeting.

## **RECOMMENDATIONS**

The Strategy Working Committee recommends that Council:

- 1 Receive the “Cape Palliser Paper Road – Proposed Bylaw” deliberations report
- 2 Adopt the Cape Palliser Paper Road Access Bylaw 2025 as per attachment 1
- 3 Approve the bylaw to come into force on **1 December 2025**
- 4 Authorise the Chief Executive to make any minor editorial changes to the above document if required.

## **BACKGROUND**

The bylaw was developed in response to longstanding concerns regarding access, environmental degradation, and the need for clear regulation of the ULR in the Cape Palliser area. The Chief Executive initiated work on this issue in 2024, aiming to identify a sustainable solution that balances public access with land protection. The bylaw was proposed as a regulatory tool to manage vehicle use, support emergency access, and clarify Council’s responsibilities regarding road maintenance and liability.

The report relating to recommendations, was considered by the committee at their meeting on the 24 September 2025 as item 6.1, Cape Palliser Paper Road – Proposed Bylaw. The report can be found [here](#).

## **CONSULTATION**

The consultation process for the proposed bylaw was extensive and generated an unprecedented level of community engagement. Feedback was received from both residents and the wider public, with support expressed for restricting vehicle access and protecting the coastal environment. The committee reviewed the submissions in detail during its deliberations, using it to inform amendments to the bylaw and to guide recommendations for signage, road surveying, and stakeholder collaboration.

## **DELIBERATIONS**

The deliberations process undertaken by the committee was thorough and reflective of the complexity surrounding the bylaw. Members engaged in detailed discussions on the practicality, enforceability, and scope of the proposed bylaw, considering both legislative obligations and community feedback. Key topics included the feasibility of road surveying, enforcement capacity, emergency access, and the appropriateness of the bylaw as a regulatory tool.

The committee demonstrated a collaborative approach, weighing multiple amendment options and refining wording to ensure clarity and alignment with Council objectives. The process also highlighted the importance of stakeholder engagement and the need for immediate operational actions, such as signage and public communication. The final recommendations represent a balanced outcome shaped by informed debate and consensus-building.

## **DISCUSSION**

This report recommends that Council agrees with the Strategy Working Committee’s recommendation to adopt the bylaw.

## **UPDATES TO THE BYLAW**

The final draft of the Cape Palliser Paper Road Access Bylaw 2025 introduces a more targeted restriction, shifting from a general prohibition on all access to a specific restriction on motor vehicle access only, while continuing to allow pedestrian, horse, and cycle access. The bylaw now includes a clearer exemption process for special access, such as for conservation or research purposes. Additionally, the review clause has been refined to ensure the bylaw is reassessed within 24 months in consultation with a designated Access Group, allowing for ongoing evaluation of its effectiveness and community impact.

### HORSES

Horse access has always been an intended use of the ULR at Cape Palliser, recognising its historical and recreational significance for riders. However, before access can be safely facilitated, a formal survey of the ULR must be completed to define the route and assess its suitability for horses and riders.

Given the unique terrain and safety considerations, it is recommended that Council seek guidance from the New Zealand Equestrian Advocacy Network. Their expertise will help ensure that any future access provisions meet safety standards and support responsible equestrian use of the ULR.

### ARTIFICIAL INTELLIGENCE REVIEW

Artificial Intelligence (**AI**) was utilised to assist in reviewing an unprecedented volume of submissions, identifying key factors through initial search terms. A subsequent review was undertaken using refined search parameters specifically in relation to the support for vehicle access to further analyse how the initial results were segmented into thematic categories. It is important to note that while AI can support the identification of patterns, it operates with inherent bias and limited transparency in how it interprets and categorises content.

These insights informed our understanding of key themes observed during the officers' physical review of all submissions and are not intended to be read as a standalone statement, but rather are part of our overall analysis the full body of submissions.

Our second review with further search parameters was completed and the results are as follows and relate to the 2723 online, paper and 125 email submissions which provided feedback comments in the consultation period, which related to the key factors were reviewed.

The second review provided the following findings:

Position	Estimated number of submissions	Summary
<b>Online and paper submissions</b>		
<b>Support restricting motorised vehicles only (eg 4WDs, quad bikes, trail bikes)</b>	2,300	Strong support for banning or limiting vehicle access due to environmental, cultural, and safety concerns. Most want to retain walking/cycling access.
<b>Oppose all restrictions (want continued vehicle access)</b>	200 – 250	Oppose any form of restriction; argue for public rights, historic use, and alternative solutions like enforcement or permits.
<b>Support full closure to all public access (including foot and bike)</b>	20 – 30	Mostly from mana whenua or those citing severe cultural/environmental harm; support full closure for land healing or protection.

<b>Support temporary closure or managed access</b>	150 – 200	Suggest permit systems, seasonal closures, or temporary bans with review periods; often support foot/bike access.
<b>Emails only</b>		
<b>Support vehicle restriction</b>	42	Support restricting motorised vehicles (e.g., 4WDs, quads, motorbikes) due to environmental, cultural, and safety concerns. Most want to retain walking and cycling access.
<b>Oppose vehicle restriction</b>	28	Oppose any form of vehicle restriction; argue for public rights, historic use, and alternative solutions like enforcement or permits.

## LEGISLATION

This bylaw is being made under section 22AB (1) (c), (g) and (zk) of the *Land Transport Act 1998*, which empowers road controlling authorities to make certain bylaws for the purpose of managing vehicle use on roads and public places. In accordance with section 22AC of the Act, the bylaw must be submitted to the Minister of Transport within one week after being adopted, the Minister of Transport can request an amendment or decline the bylaw. We don't need to wait for approval for the bylaw to come into force.

## REVIEW OF BYLAW

In accordance with the committee's resolution, the bylaw will be reviewed in 24 months from the date the bylaw comes into force.

The outlined process in the bylaw provides a clear and structured framework for assessing the ongoing relevance and effectiveness of the bylaw. The inclusion of specific criteria such as whether the original conditions persist, and evidence of changes in access, safety, or compliance is a sound approach that supports evidence-based decision-making.

## LEGAL REVIEW

The bylaw has undergone external legal review to ensure compliance with relevant legislation and to strengthen legal robustness. All recommended amendments from this review have been incorporated into Attachment 1 of the report. This process ensures that the bylaw is defensible, enforceable, and aligned with Council's statutory obligations.

## COMMUNICATIONS/ENGAGEMENT PLAN

Following adoption, the bylaw will be published on the South Wairarapa District Council website and notification will be sent to the submitters and stakeholders previously informed of the consultation.

Council must also keep copies of the bylaw at their council office make them available for public inspection during office hours (without fee) and supply a person a copy upon request on payment of a reasonable fee.

## NEXT STEPS

The proposed timeframes for the bylaw's adoption, public notice and enactment are tabled below.

Timeframes for the adoption of the bylaw	
Council approves the bylaw	8 October 2025
The bylaw will be provided to the Minister of Land Transport for approval	13 October 2025
Public notification	14 October 2025
The bylaw comes into force	1 December 2025
Following adoption by Council, the communications/engagement plan noted above will be actioned.	

The next review of the bylaw will occur 24 months from the date the bylaw comes into force.

## COMPLIANCE SCHEDULE

Full consideration has been given to the provisions of the LGA 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 <a href="#">Council’s Significance and Engagement Policy</a>	This is a matter of High significance.												
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.	<div>This report complies with</div> <table><tr><th>Section</th><th>Title</th><th>Summary</th></tr><tr><td colspan="3">Local Government Act 2002</td></tr><tr><td>145</td><td>General bylaw-making powers</td><td>Enables councils to make bylaws for protecting public health and safety, preventing nuisances, and maintaining public order.</td></tr><tr><td>148</td><td>Transport and traffic bylaws</td><td>Provides authority to regulate traffic and parking, including enforcement mechanisms.</td></tr></table>	Section	Title	Summary	Local Government Act 2002			145	General bylaw-making powers	Enables councils to make bylaws for protecting public health and safety, preventing nuisances, and maintaining public order.	148	Transport and traffic bylaws	Provides authority to regulate traffic and parking, including enforcement mechanisms.
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	<b>155</b>	Determining whether a bylaw is appropriate	Requires assessment of whether a bylaw is the best way to address the issue and whether it aligns with the NZ Bill of Rights Act.
	<b>157</b>	Public notice of bylaw and availability of copies	Local authorities must publicly notify new bylaws with their commencement date and availability, keep copies at their office for free public inspection during reasonable hours, and provide copies on request for a reasonable charge.
	<b>83</b>	Special Consultative Procedure (SCP)	Sets out the formal process for consulting the public on significant bylaws.
	<b>82</b>	Principles of consultation	Establishes general principles for engaging with the public in decision-making.
	<b>82A</b>	Requirements for specific consultation processes	Details how councils must apply consultation principles in specific contexts.
	<b>86</b>	Use of SCP for bylaws	Specifies that the SCP must be used when making, amending, or revoking a bylaw.
	<b>Land Transport Act 1998</b>		
	<b>22AB(c)</b>	Road Controlling Authorities May Make Certain Bylaws	Prohibiting or restricting, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is

		unsuitable for use on any road or roads
	<b>22AB(g)</b>	Restricting the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
	<b>22AB(zk)</b>	Regulating any road-related matters not addressed by paragraphs (a) to (zj) including (but not limited to) enhancing or promoting road safety or providing protection for the environment.
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.	<p>There are no implications for Māori.</p> <p>The following implications for Māori include:</p> <ul style="list-style-type: none"> <li>• In accordance with the RMA section 6(e) council recognises; the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</li> <li>• In accordance with the RMA section 7(a) council have particular regard to kaitiakitanga: the ethic of stewardship.</li> <li>• In accordance with the RMA section 8 council takes into account the principles of Te Tiriti o Waitangi and actively protect Māori interests and make informed decisions.</li> </ul>	
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 for the land other than those covered in the bylaw. The bylaw also reflects the need for consideration of environmental impacts due to ongoing environmental damage.	

## APPENDICES

### Appendix 1 Bylaw - Draft