



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

Cape Palliser Paper Road Access Bylaw 2025

1. Title and Commencement

1.1 This bylaw is the Cape Palliser Paper Road Access Bylaw 2025.

1.2 The Bylaw comes into force on 1 December 2025.

2. Legislative Authority

This bylaw is made under the following legislation:

Legislation	Section	Description
Land Transport Act 1998	22AB (1)(c)	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
	22AB (1)(g)	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.
	22AB (1)(zk)	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.

3. Purpose

The purpose of this bylaw is to restrict Motor Vehicle access on the Cape Palliser ULR marked in "purple" on the map in Appendix 1 (*approximately defined and subject to confirmation by a legal survey*) while allowing pedestrian and horse access in accordance with clauses 5 and 6.

4. Definitions

These definitions apply to all parts of this bylaw, unless stated otherwise, or the context otherwise requires.

Explanatory note: Refer to www.legislation.govt.nz for legislation referred to in this Bylaw.

Landowners:	Means Department of Conservation and the landowners of Part Matakītaki 1C2 Block, Matakītaki 1C1 Block, Part Matakītaki 4 Block and Part Matakītaki 2 Block.
Council:	Means South Wairarapa District Council.
Cycle:	Has the meaning given to it under Part 1 of the Land Transport (Road user) Rule 2004.

ULR:	Means the unformed legal road known as Cape Palliser Paper Road marked in "purple on the map in Appendix 1.
Authorised Officer:	Means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf for the purposes of this Bylaw and includes any Parking Warden appointed under the provisions of the Land Transport Act 1998 and any Enforcement Officer.
Enforcement Officer:	Has the meaning given to it under section 2 of the Land Transport Act 1998.
Restricted Area:	Means the area of the ULR where Motorcycle and Motor Vehicle access is restricted under this bylaw and marked in "purple" on the map in Appendix 1 (approximately defined and subject to confirmation by a legal survey).
Pedestrian:	Has the meaning given to it under Part 1 of the Land Transport (Road user) Rule 2004 and for the purposes of this bylaw also includes a person riding a horse and riding a cycle.
Motor Vehicle:	Has the meaning given to it under section 2 of the Land Transport Act 1998.

Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory Note: *Motor Vehicle definition includes*

moped means a motor vehicle (other than a power-assisted pedal cycle) that has:

- (a) 2 or 3 wheels; and
- (b) a maximum speed not exceeding 50 kilometres per hour; and
- (c) either;
 - (i) an engine cylinder capacity not exceeding 50 cc; or
 - (ii) a power source other than a piston engine.

Motorcycle means a motor vehicle:

- (a) running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and
- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the Director; but
- (c) does not include a moped

5. Restriction of Motor Vehicle Access

A person must not operate or park a Motor Vehicle within the Restricted Area, except for:

- a) The Landowners;
- b) Council employees or contractors accessing the area for any reason the Council deems necessary;
- c) Emergency services responding to an incident;
- d) Any access deemed appropriate by the Council as part of Civil Defence Emergency Management emergency response and recovery; and
- e) Any person granted an exemption under clause 6 of this bylaw.

Explanatory Note: The Council may lock the gate (at the lighthouse reserve boundary which is shown in green on the map in Appendix 1) on the ULR from time to time to prevent unauthorised Motor Vehicles from entering the Restricted Area.

6. Exemptions

The Council may in its discretion grant an exemption from the restriction in clause 5 of this bylaw to individuals or organisations for specific purposes, including but not limited to scientific research and conservation efforts, and subject to any conditions that the Council considers necessary.

Explanatory note: Restricted Area Exemption Process

1. **Submit Request via Email:**
Email the council at enquiries@swdc.govt.nz and at least 5 working days before access is required.
2. **Include the Following Details in the Email:**
 - **Reason for Access:** Clearly state the purpose (e.g. inspection, pest management).
 - **Who Will Enter:** Full names of individuals requiring access.
 - **What Will Enter:** Description of any equipment, vehicles, or materials involved.
3. **Council Review and Approval:**
The council will assess the request and respond with approval, conditions, or denial.
4. **Access Conditions:**
Approved access may be subject to supervision, time restrictions, or safety protocols.

7. Offence and Penalties

Any person who breaches this bylaw commits an Infringement Offence and may be issued with an Infringement notice and will be liable for the applicable infringement fee relating to the offence.

Explanatory note: Under Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999 the infringement fee is \$750 for any bylaw that involves the use of vehicles that is not setting a speed limit, imposing a parking restriction or a matter for which any other infringement fee is specified.

8. Review of Bylaw

Review Requirement

The Council will undertake a review of the Bylaw in 24 months in consultation with the designated Access Group (or any successor body established for similar purposes, if no such group exists at the time of review, the Council will conduct the review directly) to assess the ongoing necessity, effectiveness, and community impact of the bylaw.

Explanatory note: Review Process

Access Group Findings

The Access Group shall provide a report to the Council outlining:

- a) Whether the conditions that necessitated the bylaw continue to exist;
- b) Any evidence of improved or deteriorated access, safety, or compliance; and
- c) Recommendations to continue, amend or revoke the bylaw.

Review and Consultation

After considering the Access Group's report and/ or undertaking its own review, the Council will decide whether to continue the bylaw without amendment, amend the bylaw or revoke the bylaw and will carry out any consultation that may be required.

Explanatory Note: Treaty Considerations

Nothing in this bylaw is to be interpreted as limiting the rights of tangata whenua under Te Tiriti o Waitangi / The Treaty of Waitangi or relevant legislation.

Appendix 1

1. The URL is marked in "purple" (approximately defined and subject to confirmation by a legal survey);
2. The gate is coloured in green; and
3. The red line shows the existing fenced line.

