

9 April 2026

Dear [REDACTED]

Official information request for information regarding the management of unformed legal roads (paper roads) in the Central Hawke's Bay District, particularly in cases where gates or fences may affect public access.

Thank you for your email dated 2 April 2026. The Commission's responses are set out with your questions below.

1. Gate and Cattle Stop Approvals

1.1 Is prior written council permission required for landholders to install a gate or cattle stop across an unformed legal road?

Yes. See s344(1), Local Government Act 1974.ⁱ

1.2 Are there standard conditions, such as signage stating "Public Road" on both sides and maintaining unobstructed public access?

Yes. S344(2), Local Government Act 1974 states "Where a gate is erected across a road under subsection (1), a board with the words "Public Road" legibly painted thereon in letters of not less than 75 millimetres in height shall be fixed upon each side of the gate and at all times maintained thereon by the person authorised to erect the gate, or at whose cost it has been agreed that the gate shall be erected and maintained".

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2. Recorded Approvals

2.1 Are there any records of council-permitted gates or cattle stops across unformed legal roads in Central Hawke's Bay?

The Commission does not hold this information. You have advised that you do not want the Commission to transfer the request to Central Hawke's Bay District Council, as required by s14, Official Information Act 1982ⁱⁱ. Therefore, this part of your request is refused under s18(g), Official Information Act 1982 ("the information requested is not held by the ... organisation").

2.2 If such records exist, can they be accessed or verified, including the conditions imposed?

The Commission does not hold this information. You have advised that you do not want the Commission to transfer the request to Central Hawke's Bay District Council, as required by s14, Official Information Act 1982. Therefore, this part of your request is refused under s18(g), Official Information Act 1982.

3. Fencing Along Paper Roads

3.1 Does Herenga ā Nuku maintain any data on paper roads fenced on both sides, particularly where the road runs **between** two separate legal parcels?

No.

3.2 Are there examples anywhere in New Zealand where a paper road is fenced **on both sides**, and if so, can these be shared or referenced to help identify potential precedent of it being used in practice?

There are examples, but the Commission does not hold records of these. Therefore, this part of your request is refused under s18(g), Official Information Act.

3.3 Are there instances where unformed legal roads between two titles, as opposed to *through* a title have been effectively used **exclusively by one landowner** or subdivision developer, such as incorporation into private driveways or development or one neighbour's paddock for singular private gain?

Yes, the Commission is aware that such cases exist, but it does not hold records of these. Therefore, this part of your request is refused under s18(g), Official Information Act.

Please note that there is no difference to the rules for unformed legal road between land owned by two different title owners and legal road going between land parcels owned by the same landowner.

3.4 Would such occupation, without prior council approval, **in breach of a live subdivision consent condition**, or in breach of statutory conditions, even if later **retroactively legalised**, be recognised by Herenga ā Nuku as inconsistent with equitable governance and the preservation of public access, given that the road remains a **public** resource?

Councils do have a general authority to authorise occupation of part of a road. But that authority does not extend to cause interference with the public's right to pass and repass or to cause a

public nuisance. (Excerpt from Guidelines for the Management of Unformed Legal Roads, <https://www.herengaanuku.govt.nz/assets/Publication/Files/ULR-Guidelinesfor-web.pdf>).

4. Compliance Guidance

4.1 If a gate or fence exists without signage or recorded council approval, would this be considered non-compliant with statutory or recommended practice?

Yes.

4.2 What is the proper process for reporting or verifying such situations?

As roads are vested in territorial local authorities, reports of alleged breaches of the relevant statutory provisions should be made to those authorities. Enforcement rests with those authorities.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://www.herengaanuku.govt.nz/our-work/about/disclosure/official-information-act-responses> with your personal information removed.

Yours sincerely



Kirsti Douglas

Acting Operations Manager

ⁱ <https://www.legislation.govt.nz/act/public/1974/66/en/latest/#DLM415532>

ⁱⁱ <https://www.legislation.govt.nz/act/public/1982/156/en/latest/#DLM64785>