

Reference Number: 2024/1142

17 October 2024

[REDACTED]

Tēnā koe [REDACTED]

Thank you for email of 25 September 2024 requesting under the Local Government Official Information and Meetings Act 1987 (LGOIMA), information relating to mowing of berms. Please see outlined below a response to each part of your request.

***Is/are the berms part of my legal property description?***

Berms form part of the road reserve.

***I have a footpath between the front of my property and the berm does that mean I am responsible for the maintenance of the footpath as well?***

Not at this stage. The mowing of urban berms was removed following consultation of the Long Term Plan 2024-2044.

***Is the berm part of my rates (or will my rates be adjusted to include the berm) and how will this be calculated if it is not part of my legal property description?***

Following consultation on the draft Long Term Plan 2024-2044, Councillor's decided to remove Urban Berm Mowing from the Open Spaces Maintenance schedule to reduce costs by \$240,000 annually. This decision was made in conjunction with a number of others, in order to keep the overall rate increase for the 2024/2025 year down.

***Does my property go all the way out to the road edge?***

This depends on the property. For many urban property owners, the road edge and berms are part of the road reserve.

***I would like to know for my members of Horowhenua Grey Power what the actual legal implications of what you are describing on your web - site see below:***

***"A berm or verge is usually a grass area between the footpath and your property or business. It can also be the berm around the sides or back of your property.***

***In the Horowhenua District it's the property owner's responsibility to maintain the berm outside of their home or business.***

***Council does maintain some berm areas in the district, including those along key thoroughfares, where berms are too dangerous or too difficult for residents to manage, and those around our reserves and playgrounds."***

Council do not currently have any legal avenues to enforce this.

***When did it become the owners responsibility to maintain the grass berms outside (key word) of their properties?***

1 July 2024.

***What are the penalties (if any) for NOT maintaining the grass berms?***

For many, the unruly sight as a result of not maintaining the grass berms will be a penalty. However, as mentioned there are currently no legal avenues to enforce this and therefore there will be no council directed penalty.

***If you have a fence detailing your property boundary what then does it become the property owners responsibility?***

Fencing on property bordering road reserve remain the full responsibility of that private owner.

***If your property has a bus shelter or any other structure on the berm outside your property does the home owner take responsibility for any vandalism, graffiti etc.***

Bus shelters and other structures on berms outside properties will continue to be maintained by Council, if they were done so previously. It was just the berm mowing aspects of berm maintenance that was removed from the schedule following consultation on the Long Term Plan 2024-2044.

***Some folks have very small berms and some folks like in Foxton streets have quite large berms which means that costs can be overwhelming for older superannuatant residents on a fixed income - so what redress or relief do these rate payers and our older citizens who wish to remain in their own home have? Going to Work and Income New Zealand is not necessarily the answer and moreover could be problematic to those who have a mobility issues.***

Residents who are physically incapable of mowing their lawn and the berm outside their property may be eligible for an allowance from Work and Income New Zealand (WINZ) to assist with the cost of a contractor. For example, the Disability Allowance can help towards costs such as lawn mowing. An application form can be downloaded online.

***Can you provide a breakdown of how the \$240,000 pa is used?***

Attached is the Long Term Plan 2024-2044 consultation document, which highlighted on page 16 the actual cost and expected savings to the ratepayer, including rate increase, as a result of stopping this service.

The total amount of \$240,000 encompasses the costs associated with staffing, fuel expenses, machinery depreciation, and the necessary maintenance, repairs, and parts.

Urban Berm Mowing was a part of the wider Open Spaces maintenance schedule, and this aspect has now been removed from that contract.

***Can you please advise if this is standard practice across all New Zealand Councils and has it been cleared to be implemented through Local Government New Zealand?***

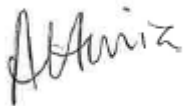
Horowhenua District Council does not hold records on all local authorities. However, it is not irregular for Council's to not mow berms. For example, neither Kāpiti Coast District Council nor Palmerston North City Council mow berms.

You are entitled to seek an investigation and review by the Office of the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Horowhenua District Council publishes responses to Local Government Official Information and Meetings Act 1987 (LGOIMA) requests that we consider to be of wider public interest, or which relate to a subject that has been widely requested. To protect your privacy, we will not generally publish personal information about you, or information that identifies you. We will publish the LGOIMA response along with a summary of the request on our website. Requests and responses may be paraphrased.

If you would like to discuss this decision or any of the information provided as part of this request, please contact Brent Harvey (Group Manager Community Experience and Services) on [brenth@horowhenua.govt.nz](mailto:brenth@horowhenua.govt.nz), or [LGOIMAOfficer@horowhenua.govt.nz](mailto:LGOIMAOfficer@horowhenua.govt.nz).

Ngā mihi



Ashley Huria  
**Executive Sponsor**