

14 March 2017

Via: fyi-request-5383-dbbaf413@requests.fyi.org.nz

Dear Mr Bevins

Re: Request for information relating to the legislation covering berms.

Thank you for your email to the Issues Resolution Office received on 14 February 2017 in which you requested information relating to the legislation covering berms.

As you asked a number of questions I will address these in the order of your email.

1) “Can you please provide the details of the exact legislation/acts including the specific areas of these that the Council is using to make people mow and be responsible for the berms adjacent to their properties?”

If I have understood your question correctly, then under section 355 of the Local Government Act 1974, the Council has the authority to require adjoining property owners to maintain vegetation on road reserve, which incorporates the berm.

2) “Also what legislation will be used to enforce/fine people if they do not maintain/mow their berms?”

As outlined above, whilst the legislation does not make specific reference to the ‘mowing’ of berms, section 355 of the Local Government Act 1974 does apply to vegetation growing on the legal road reserve which includes the berms.

3) “Also, what defines a berm, and how large does this have to be before this is considered not a berm (i.e. where someone has a very large ‘berm’ – where is the line?”

The berm would usually be considered to be the unformed land between a property boundary and the formed public footpath or roadway.

I am unaware of any specific dimensions in respect of what constitutes a berm, though, again, the berm would be considered part of the legal road reserve and as such subject to section 355 of the Local Government Act 1974.

Yours sincerely



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