

## **WAIMAKARIRI DISTRICT COUNCIL**

### **MINUTES OF THE HEARING AND DELIBERATIONS OF THE ROAD RESERVE MANAGEMENT POLICY REVIEW HELD IN THE RAKAHURI ROOM, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA ON MONDAY 21 OCTOBER 2024 COMMENCING AT 1PM AND RECONVENED AT 3.30PM ON WEDNESDAY 30 OCTOBER 2024.**

#### **PRESENT**

Councillor Redmond (Chairperson), Deputy Mayor N Atkinson and Councillor A Blackie.

#### **IN ATTENDANCE**

Councillor Williams.

S Binder (Senior Transport Engineer) and K Rabe (Governance Advisor).

#### **1. CONFLICTS OF INTEREST**

No conflicts of interest were recorded.

#### **2. HEARING OF SUBMISSIONS**

##### **Rob Ballantyne**

Mr R Ballantyne spoke to his submission noting that he had been farming for well over 45 years and that grazing along the road berm had been carried out in New Zealand since roads were first introduced.

For many years his cattle had been grazing along the roadside and he had cleared and drilled the land with high quality grass to get the best grazing for his stock. He also maintained the verge by clearing litter and mowing regularly even when the land was not used for grazing. Mr Ballantyne queried if he was no longer allowed to graze animals on this area, would the Council maintain the berm to the same standard, noting that long dry grass in summer was a fire hazard.

He acknowledged the perceived risk of having large animals in close proximity to speeding vehicles noting that Fernside Road was the only road in a similar location to still have an 80km/h speed limit while other roads had been reduced to 60km/h. However, his cattle which grazed the roadside were chosen for being used to vehicles and loud noises and as a result took the traffic movement in their stride.

Councillor Redmond queried the location of Mr Ballantyne's farm and was told it was on Fernside Road on the Rangiora side and he grazed approximately 500m along the roadside in front of his property. Mr Ballantyne stated that he checked on the cattle and the electric fence several times a day and ensured that the cattle only grazed on the roadside from late morning to well before sundown.

Deputy Mayor Atkinson commended Mr Ballantyne for his conscientious and responsible care of his cattle and the roadside. He asked Mr Ballantyne's opinion on a solution which would mitigate the risks as well as allowing grazing on the roadside. Mr Ballantyne suggested that farmers were registered to graze cattle dependent on their competency and experience, stating that he would be open for paying for this registration. Deputy Mayor Atkinson also asked about the volume of traffic along the road and was told that there had

been a slight increase however in his opinion the biggest danger was the speed limit which encouraged people to use this stretch of road as a dragstrip or a vehicle testing site.

Councillor Blackie asked Mr Ballentyne's opinion on the use of a two-strand electric tape when grazing roadsides and Mr Ballentyne agreed that this would make grazing appear safer to motorists, easing their minds when driving alongside grazing cattle. In relation to registering farmers for grazing the roadside, Councillor Blackie agreed that this was an option that could be considered noting that the Council already had Licences to Occupy for grazing stock on paper roads and it would not be difficult to extend that to roadside grazing.

Deputy Mayor Atkinson queried the terminology noting stock covered all farm animals including horses. Mr Ballentyne agreed saying that horses were unpredictable and easily spooked and he believed that they should only be grazed on roadsides under supervision. Sheep were also notoriously difficult to confine and believed that if sheep were grazed it should only be in drought situations and under supervision.

Councillor Redmond queried if Mr Ballentyne agreed with the roads included in the proposed changes. Mr Ballentyne stated that originally, he had felt offended when he received the notification of the proposal, given the work, he had done to keep Council land neat and free of rubbish, to the point that the Council now gave him black rubbish bags for depositing the rubbish collected along the berm. He had come to understand the rationale behind the suggested changes, however had grave concerns regarding the Council's ability to mow all its berms in farming areas never mind keeping the litter to a minimum. Mostly he was concerned regarding the increased fire hazard that long unmown grass on the edge of his property posed.

The Chair thanked Mr Ballentyne for his measured and practical submission, which had been informative for the Panel.

Mr A Kirkland did not attend the Hearing.

### **3. STAFF REPORT**

#### **3.1. Road Reserve Management Policy Hearing Panel – S Binder (Senior Transportation Engineer) and J McBride (Roading and Transport Manager)**

S Binder spoke to the report which presented for consideration the submissions received from the consultation of Council's draft Road Reserve Management Policy, Appendix A (Grazing-restricted roads). Of the 1,156 letters sent to landowners, 10 submissions were received with two submitters wishing to present their views to the Panel.

Public consultation on the full draft policy was undertaken from 7 August to 7 September 2023. Feedback from the consultation included a request for further targeted consultation of rural landowners who could be affected by proposed changes to roads where berm grazing was restricted.

S Binder also noted that classification of collector roads had been chosen as the instrument to make a consistent ruling for the grazing policy. He noted that approximately five crashes a year included stock. The current policy already prohibited grazing on roadsides on certain roads and these changes just added further roads to the list that prohibited grazing. However, the point of the no grazing along roadsides was a safety issue as with stock on the berm there was no space for a car to swerve back onto the road if the driver was distracted and veered onto the berm. Given that collector roads were there to facilitate movement around the district they were seen to be high risk for motorists, if in close proximity to large animals.

Deputy Mayor Atkinson asked if the Panel could consider the option of a licence to occupy as suggested by Mr Ballentyne. S Binder acknowledged that the Panel could consider this option, if it so chose.

Councillor Redmond noted that one of the submitters had suggested that horses not be allowed to graze on roadsides as there had been two instances they had been in attendance when horses on the roadside had been injured and in one case killed. The Panel agreed that in the case of horses there should always be a human present and in control of the animal if it was on the roadside.

Councillor Redmond queried the Council's commitment to the maintenance of berms given the increase in roads being added to the policy. S Binder stated that the Council did not maintain berms for aesthetic reasons, which was considered the neighbouring landowner's responsibility, however the Council did carry out a 'rough' mow berms to reduce fire risk. Councillor Redmond queried if it was reasonable to take away the ability to graze the area, thereby mitigating the fire risk and not then maintain the berm to a similar standard. S Binder reiterated the reason for the proposed change was safety and that traffic volumes were not a criteria, rather it was the classification of the roads which were strategic for the movement of traffic within the district and designed to carry higher traffic volumes. Councillor Redmond asked how many vehicles used Fernside Road and was told approximately 1,200 per day.

Deputy Mayor Atkinson queried what the changes to the policy was attempting to fix and was told that it was to avoid an increase in accidents involving stock. Deputy Mayor Atkinson asked how many of the accidents were due to grazing stock rather than stock loose on the road. S Binder did not have that information. S Binder noted that the verges of gravel and/or rural roads were narrow and if stock were grazing on the verge the driver had little or no time or space to rectify any steering issues. He also noted that due to the increase in population had resulted in an increase in vehicle movements which added to the propensity for the accident rate to increase. Deputy Mayor Atkinson asked if any of the roads being added to the policy had shown to be a potential trouble spot i.e. had any accidents happened on any of the roads being added to the list. S Binder did not have a breakdown of any incidents on the roads being added to the list.

Deputy Mayor Atkinson queried how farmers would know of the new additions to the policy and how many members of the public would know that the policy was not being upheld.

Councillor Redmond stated that policies and bylaws were generally used to address a "mischief" however this did not seem to be the case in this instance and raised the question what the policy was fixing and were the measures being taken, reasonable. He acknowledged that there may be risk to motorists and stock however there were ways to mitigate those risks.

The Chair thanked S Binder for his report and work on this matter.

The meeting adjourned at 1.53pm.

#### **4. DELIBERATION**

The Panel agreed that Mr Ballentyne had provided a well-presented submission which was calm and practical and offered a solution to the issues raised.

The Panel acknowledged that farmers were struggling and felt reluctant to remove opportunities for grazing stock and increase costs for mowing and maintain council berms. The also did not support the fact that there was an increased risk to motorists from grazing stock and agreed that there was no data to back up this claim while acknowledging that

accidents did occur with wandering stock. The Panel was concerned with the reasonableness of the by-law as no traffic counts, or hot spots for crashes were identified, and no evidence of crashes relating to current berm grazing practices were provided. The panel acknowledged a broad-brush approach was proposed. Whilst grazing was assumed to be a safety hazard no data was provided. The Panel considered an exemption or licence process could address these shortcomings.

On balance the Panel believed that offering farmers the option of a licence or exemption, if they were able to achieve certain criteria, was a practical solution. The Panel had a brief discussion on whether stock allowed to graze on the verges should be specified to cattle and agreed that the term stock would suffice, as the criteria set would ascertain the suitability or not of the stock being grazed.

Moved: Deputy Mayor Atkinson

Seconded: Councillor Blackie

That the Road Reserve Management Policy Hearing Panel:

- (a) **Receives** report No. 241001168222.
- (b) **Receives** and considers all submissions on the Road Reserve Management Policy, Appendix A – Grazing Restricted Roads.
- (c) **Notes** that the remainder of the Policy was consulted upon in late 2023 and is presently lying on the table pending undertaking of this specific consultation.
- (d) **Recommends** adding an additional clause to enable an adjacent landowner to apply to the Council for an exemption from the prohibition on berm grazing and that a risk assessment be undertaken with the following criteria be considered; speed limit of the road, stock type to be grazed, landowners previous grazing experience, traffic counts and adequacy of fencing proposed. Any exemption granted shall only apply during the hours of daylight.
- (e) **Notes** that subject to any recommended changes by the panel, staff will prepare a report to Council on behalf of the Hearings Panel recommending the adoption of the full reviewed Road Reserve Management Policy.
- (f) **Requests** staff prepare a report to Council on behalf of the Hearing Panel recommending the adoption of the full reviewed Road Reserve Management Policy.

**CARRIED**

The Hearing adjourned at 2.06pm.

The Hearing was reconvened at 3.30pm on Wednesday 30 October 2024.

### **PRESENT**

Councillor Redmond (Chairperson), Deputy Mayor N Atkinson and Councillor A Blackie.

### **IN ATTENDANCE**

J McBride (Roading and Transport Manager), S Binder (Senior Transport Engineer) and K Rabe (Governance Advisor).

### **CONFLICTS OF INTEREST**

No conflicts of interest were recorded.

## DELIBERATION (cont'd)

The Panel considered the tabled information (Trim Ref: 241031188963) with the staff's suggested amendments to Appendix A: Grazing – restricted roads. Staff had supplied average traffic numbers and mean speeds travelled on the roads under consideration to determine which roads would be eligible for possible exemptions. It was emphasized that many of the roads on the list were not grazed currently.

In considering the information supplied staff had indicated that only ten of the roads on the list would be considered for possible exemptions if traffic volumes and speed was taken into account. Councillor Redmond noted that if these criteria were used there was little scope for discretion and became a tick box exercise. Panel members agreed that staff should not be expected to carry the responsibility for assessing if a farmer was or was not experienced. After a discussion on how best to assess an exemption, it was agreed that the Environmental Services Unit should be consulted to ensure farmers who applied for exemptions had no complaints or service requests against them for wondering stock, which would indicate a responsible and conscientious operator.

Staff raised concerns regarding the possibility of a road, currently included on the possible exemption list due to lower traffic volumes and/or speeds' circumstances changing, ie that due to district growth and development, certain roads became busier. The Panel acknowledged this as a risk and agreed that it may be prudent to review Appendix A on a more regular basis, and therefore suggested that all appendices for the Policy be reviewed every three years to ensure they stayed current.

The Panel considered how best to administer the exemption process and agreed that the Licence to Occupy, which was a lengthy document was not appropriate for this purpose. It was agreed that a non-transferable permit would better serve the purpose as this type of grazing only occurred for a few months a year. The matter of how long a permit should be issued for was also discussed and the Panel believed that it would be appropriate for any permits issued to be reviewed at the same time as the appendices, therefore permits to be issued for up to three years.

To ensure clarity it was agreed that staff amend Appendix A to show two lists of roads, one that no exemptions would be considered and the other with the roads that exemptions may be considered. It was also agreed that in the case of a challenge regarding whether or not an exemption should be allowed that the decision be delegated to the Utility and Roading Committee.

Moved: Deputy Mayor Atkinson

Seconded: Councillor Blackie

**That** the Road Reserve Management Policy Hearing Panel further recommends

**That** the Council:

- (a) **Agree** that stock owners may apply to the Council for an exemption to graze on frontage of roads listed in *Appendix A: Grazing-restricted roads*. Exemption requests must meet the following requirements:
  - Cattle or sheep only
  - Road frontage is on the "Roads Considered for Exemptions" table in *Appendix A: Grazing-restricted roads*
  - Stock owner has no history of grazing-related service requests or complaints with Council
- (b) **Notes** exemption requests will be formalised through a Grazing Permit system and must comply with the requirements of *Appendix C: Technical requirements* and the conditions of that Permit.

- *A Permit may be issued for no longer than a three-year period and is not transferable.*
- *A Permit may be revoked if there is more than one justified grazing-related service request or complaint at any property or permitted berm associated with the Permit holder.*

(c) **Agree** that should the Roding Team recommend against granting a Permit for grazing on the road reserve, or the road is on the "Non-Eligible Roads" table in Appendix A: Grazing-restricted roads. In both such cases a final decision shall be made by the Utilities and Roding Committee.

**CARRIED**

The Chair thanked staff and the Panel for their work in developing a flexible process with the option for farmers to apply for a grazing exemption and which took into account the submissions received.

There being no further business the Hearing concluded at 4.04pm.

CONFIRMED



P Redmond  
Chairperson

31 October 2024  
Date