



# Keeping peace with the Joneses

A GOOD NEIGHBOUR GUIDE



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# INTRODUCTION

## A GOOD NEIGHBOUR GUIDE

Living side by side with neighbours can require a bit of give and take. But what can neighbours reasonably expect of each other? What are neighbours *required* to do, and what would it *be nice* for them to do?

Being a good neighbour means minimising the possibility of starting a nuisance in your neighbourhood. A nuisance is an activity that could annoy your neighbours, e.g. barking dogs, loud stereos, or parking frequently in front of your neighbour's driveway.

We have prepared this guide to help neighbourhood relations by demystifying bylaws and Acts, and providing tips on how to

resolve the situations that arise most often. This guide covers everything from boundaries and encroachments to trees and waahi tapu, as well as giving advice on mediation services and when the Council or police personnel can help.

We hope this guide helps you build positive relationships with your neighbours and, ultimately, create a stronger community. If you have any questions about the information in this document, please contact New Plymouth District Council on 06-759 6060 or [enquiries@npdc.govt.nz](mailto:enquiries@npdc.govt.nz).

# APPROACHING NEIGHBOURS

Often the best way to address neighbourhood issues is to take the personal approach, and talk directly with your neighbour about your concerns. How an issue is approached will often determine the outcome. To improve your chances of getting a positive result:

- Remain calm and polite.
- Talk about the problem (rather than making personal comments).
- Discuss solutions.
- If the issue affects other neighbours, take them for support.

Your neighbour may not be aware that their behaviour is disturbing you, and raising the issue directly with them offers them a chance to put it right.

Getting into heated arguments isn't advisable, as the situation can escalate quickly beyond just a nuisance. If anything untoward happens, walk away.

If you feel unsafe or unable to approach your neighbour, you can leave a note or write a letter. If the behaviour continues despite the efforts of you and your neighbours, it may help to involve the authorities.

# CREATING EVIDENCE TRAILS

Before involving the Council or the police, gather evidence to present to them as proof of the situation or the types of disturbances you are experiencing. If you later have to involve the authorities, being able to show them a record of the extent of the situation or nuisance your neighbours are causing, as well as what you have done to tackle the situation amicably, is likely to help justify their involvement.

To create an evidence trail of an ongoing situation – for example, a fence encroachment – keep notes of discussions or communications you have had with your neighbour.



# COUNCIL ASSISTANCE

The Council responds to varied types of neighbourhood issues. The section 'Frequent neighbourhood issues' provides a list of common issues the Council deals with and a general guide on the Council's approach to issues that may occur in any neighbourhood in the district.

## What if the Council cannot help?

There are several legal remedies available in neighbourhood disputes. When the argument is about fences, boundaries or encroachments, the Fencing Act or the Property Law Act may apply. In cases of private nuisance, the court can grant an injunction (an order directing the nuisance to cease) and award damages.

## Other agencies that may be able to help are:

- Taranaki Regional Council, which administers regional plans (air, land, coast and freshwater). Its officers handle complaints about pollution, dust, odour, animal pests and plant pests. Its contact numbers are 06-765 7127 or 0800 736 222 (environmental hotline).
- The Department of Labour deals with certain hazard issues that relate to places of work (which can include home occupations).
- The Department of Health can be involved when activities endanger public health.
- The New Zealand Fire Service deals with fire hazards.
- The New Zealand Police deals with unacceptable or threatening behaviour or illegal activities.
- The Citizens Advice Bureau assists in providing information on almost any issue.

# USING A MEDIATION SERVICE

Accessing mediation can be useful for you and your neighbours if you are unable to resolve the situation between yourselves.

Mediation is about having an independent neutral person to offer a fair and equal discussion on issues. Both parties would need to agree between themselves to undergo mediation, and to choose a mediator they both view as impartial.

Mediators use appropriate techniques and skills to improve dialogue between both parties, aiming to help them reach an agreement (with concrete results) on the disputed matter. It is important when approaching any mediation service that both parties make the approach. You could approach either the Council or the police to request mediation, or engage lawyers for each party, or seek an independent mediator through the Taranaki Community Law Service (TCLS).

## **TCLS provides:**

- Legal advice, information and assistance to people with unmet legal needs.
- An accessible and professional legal service.
- Law-related education to individuals and groups.

TCLS charges a minimal fee for mediation services. Its contact details are:

**Phone:** 06-759 1492  
or 0800 529 878.

**Fax:** 06-759 1475.

## **Address:**

Level 1, 65 Devon Street West,  
New Plymouth.

## **Postal address:**

The Manager, PO Box 216,  
New Plymouth 4340.

**Email:** [tcls@xtra.co.nz](mailto:tcls@xtra.co.nz).

[www.communitylawtaranaki.org](http://www.communitylawtaranaki.org)



# POLICE ASSISTANCE

The police are responsible for reducing crime and enhancing community safety. Their aim is to work in partnerships to build safer communities.

Community policing sees the police and their partners working innovatively at a local level, identifying crime and safety concerns that trouble us and the way we live.

## **When to call 111 or 06-759 5500.**

In an emergency, dial 111.

Contact the police if you see:

- Crime, assault, theft, intimidation, disorder, threats, etc.
- Reckless driving.
- Illegal activities.
- Anything which poses a risk to life or property.

## **Dial 111 if you are witnessing a crime actually happening.**

The sooner you report crime or a safety problem, the better the chance to solve the case or prevent an incident from occurring.

The police can also help you with a past event or a non-emergency situation. You may call the New Plymouth Police Station on 06-759 5500 to seek advice and/or file a complaint about the case.

# SET UP A NEIGHBOURHOOD SUPPORT GROUP

Having the support of other people is the key to resolving any difficult situation – or even preventing it from happening in the first place. A Neighbourhood Support Group can be a great help in deciding how to approach a situation that is affecting the community, how to take early positive action and when to notify the police of any suspicious activity.

Neighbourhood Support works closely with the police and many other organisations in New

Plymouth District to reduce crime, improve safety and prepare for emergencies and natural disasters. To establish a Neighbourhood Support Group contact:

## **Neighbourhood Support**

54 Tukapa Street  
New Plymouth 4310  
Phone: 06-753 2495  
Email: [ntns@xtra.co.nz](mailto:ntns@xtra.co.nz)



# BOUNDARIES AND ENCROACHMENTS

## How are property boundaries defined?

Property boundaries are fixed by survey and defined by survey pegs. Pegs may be missing or have rotted away in some older properties but can be reinstated by a surveyor. Subdivision or changing boundaries require a resource consent and the agreement of the affected property owners. The subdivision process is managed by a registered surveyor. It is an offence to interfere with survey pegs.

## Is it important that I know where my property boundaries are?

Knowing the location of boundaries is especially important at the time of the property's purchase to guard against inheriting building encroachments or other boundary problems and to be sure of what you are buying. Old fences and hedges are often not on the boundary. The Council may require you to have a boundary defined by a surveyor when a proposed building is on or close to the boundary.

## What happens if a building is over the boundary?

A building or fence over the boundary is technically a trespass for which the encroaching owner is legally responsible, whether or not they erected the building or fence. The court has certain powers to help in the case of encroachments. You will need to seek legal advice.

## What is the Council's involvement in boundary fences?

Boundary fencing between private properties is a matter between the owners. The Council will become involved when a building consent is needed, and will check and approve work to ensure it is structurally sound. In general, fences more than 2.5m high and retaining walls more than 1.5m high will require a building consent. A building consent will be required for a retaining wall less than 1.5m only in situations where that wall has a vehicle or building load behind it.

# BUILDINGS AND ACTIVITIES

## **How does the Council control building or activities?**

The Council has a District Plan, prepared in consultation with the community, that controls subdivisions and developments by way of rules and environmental standards regarding noise, illumination, earthworks, signage, parking and traffic generation.

These rules and standards determine the level of amenity and character sought by the wider community for each environment area or zone. They provide a balance between allowing development and protecting the environment.

There are environmental areas for rural, residential, business, industrial and open space. A resource consent is needed when a development or activity

does not meet a rule or standard. When resource consent issues have the potential to cause adverse effects on neighbours, the affected neighbours are involved in the consent process.

As well as meeting the District Plan rules, new buildings, building extensions and alterations to buildings must comply with the Building Act 2004 and the Building Code. All work except specific exempt works require a building consent from the Council.

## **Where can I see a copy of the District Plan?**

The District Plan can be viewed at Council offices, Puke Ariki and on [www.newplymouthnz.com](http://www.newplymouthnz.com). It is recommended that you check the District Plan when considering buying a property

so that you are aware of what could happen in the neighbourhood. The District Plan's information includes natural hazards, notable trees, heritage sites and land affected by certain works or projects.

**My neighbour has built a large building on the boundary blocking my view and shading my property. What can I do?**

The District Plan allows certain building work on a boundary but limits its height and length. A certain amount of shading can be expected. The District Plan does not protect private views.

When building work is in accordance with a building consent and meets the District Plan rules or has a resource consent, the Council must allow it to proceed. The Council

investigates complaints to ensure that the consent conditions are being met. Building and resource consents for your neighbour's work can be viewed at any Council office. Any complaint that the Council receives remains confidential.

**I think my neighbour is running a business from his garage. Can he do that?**

Businesses can operate from a property in a residential area but must meet the same District Plan environmental standards that apply to residential activities. This will limit noise, traffic and signage. If you believe that an activity does not meet the standards, you should first discuss your concerns with the Council. You may be asked to confirm your observations in writing if further investigations are needed.

# DOGS

## What are the registration requirements for dogs?

All dogs over the age of three months must be registered annually with the Council. Different fees apply depending on whether you live in an urban or rural area. If you live in an urban area in New Plymouth District, a rebate on your fees is available depending upon whether the dog is neutered, if you are a responsible owner (no complaints confirmed against you as a dog owner), or if you are a pensioner (65 or older).

All dogs being registered for the first time must be microchipped within two months after registration. This does not apply for working dogs.

## What are my responsibilities as a dog owner?

In addition to registering your dog, you need to ensure your dog is well cared for (i.e. provided with food, water and shelter, care and attention); is kept under control at all times; does not cause a nuisance to neighbours, other people or traffic; and does not harm or threaten to harm any person, animal, poultry or other bird, or wildlife.



## What dog bylaws are there in New Plymouth District?

Dog-related bylaws may differ between districts. A copy of NPDC's bylaws is available from any of the Council's service centres in Bell Block, Waitara and Inglewood, and from the Civic Centre in New Plymouth, or on [www.newplymouthnz.com](http://www.newplymouthnz.com). The Council bylaws include:

- Identifying where dogs cannot be taken (e.g. the New Plymouth central business district and some beaches such as Ngamotu Beach) and areas where dogs must be on a lead (e.g. Pukekura Park and part of the Coastal Walkway).
- Limiting the number of dogs over the age of three months to two dogs per household in an urban area. A consent is required from the Council if you want to keep more than two dogs in an urban area.
- The requirement to remove dog faeces from all public places and any other area not occupied by the owner of the dog.

## What if someone's dog causes a nuisance or is a problem?

You may wish to speak to the owner first – particularly if they are your neighbours – as this may help foster better relationships in the future. If you do not feel confident about this or have previously spoken with the dog owner, contact the Council on 06-759 6060 with your complaint. Your full name, address and contact number will also be required. Complainants' names will not be released by the Council. Your complaint will be investigated as soon as practicable by an Animal Control Officer and/or support staff, and you will be notified about the outcome.

# EARTHWORKS

## Is my neighbour allowed to excavate up to my boundary?

Earthworks carried out as part of a building consent will be checked by the Council as part of the building consent process. The District Plan also has controls over the quantity of an earthwork's cut and fill, and those on steep slopes. Otherwise, earthworks are a private matter.

There are other legal obligations applying to people carrying out earthworks, which the Council does not administer – for instance, excavations have to be carried out in a way that continues to provide natural support to adjoining land. The Council recommends that advice be sought from an engineer or other suitably qualified person before carrying out earthworks.

# EASEMENTS AND RIGHT-OF-WAYS

## What is an easement?

There may be legal arrangements between your property and neighbouring properties relating to right-of-ways for access, drains or other matters. These arrangements may require you to do something (a positive easement) or require you to allow something to be done (a negative easement). Easement details are shown on documents held by Land Information NZ. Your solicitor may also hold a copy.

## Do I have to pay towards right-of-way maintenance?

The law requires all occupiers of land who use a vehicular right-of-way to contribute to its cost, unless a contrary intention is expressed in the document creating the right of way. The courts have the power to decide issues and disputes in relation to easements and right-of-ways. The court may modify or extinguish them.



# FENCES

## Where should fences be located?

The Fencing Act 1978 requires that unless there is specific agreement between owners, fences must be on the boundary line. There is provision for give and take when the true boundary is difficult to fence. The Act also states minimum standards for urban and rural fences. A hedge qualifies as a 'living fence' in a rural area.

## Who pays for a boundary fence?

In general, the owners of adjoining properties must share equally the cost of work on boundary fences. This includes the cost of site preparation, surveying, materials, construction, replacement, repairs and maintenance.

If you want to build or replace a fence, first talk to your neighbour to see if they will agree to share the cost of the work. Such agreement is best confirmed in writing.

If you fail to reach an agreement with your neighbour, there's a process you can use set out in the Fencing Act 1978. To start this process, give your neighbour a 'fencing notice'. If your neighbour does not agree, refer the situation to the Disputes Tribunal or the district court for a decision.



If a fence is accidentally damaged, the repairs should be met by the party who caused the damage. If the damage is caused by a natural event and needs immediate work, either you or your neighbour can carry out the work without giving notice to the other. The neighbour who does the work can then recover half the cost from the other.

# FIRES IN URBAN AREAS

Under the Council bylaws and agreement with Taranaki Regional Council, most outdoor fires in urban areas are banned, while in other areas outdoor fires may be lit subject to strict conditions.

## Can I light a fire on my property?

You cannot light an outdoor fire in an urban area if your property is:

- Less than 0.5ha in size, and
- Used for residential purposes, and
- Serviced by a weekly municipal refuse collection service.

This means no backyard burning of household rubbish or green waste, or incinerator fires on small urban sections.

## Can I light a fire in some places?

Yes - you may light an outdoor fire in urban areas where sections are 0.5ha or larger, or on rural areas for as long as it is supervised, at least 3m from the property boundary and at least 10m from any part of a house, and does not cause a nuisance.

## Why the ban on outdoor fires in urban areas?

- Backyard burning causes adverse effects on air quality, odour and health issues, is a nuisance, and is a major source of dioxins and other toxic substances.
- Where kerbside collections are available and refuse and green waste collections in urban areas are practical alternatives, backyard burning has been prohibited.
- The ban does not apply to burning for braziers or cooking such as barbeque, hangi.

## Fire permit

Depending on the fire season, permits are required to light fires in rural areas. Restrictions may also apply to lighting fires in urban areas, beaches and reserves.

Fire seasons have been identified to control the number and type of fires at high-risk times of the year. There are three fire seasons in the district: open, restricted and prohibited.

## How to get a fire permit

If your fire will be located within 1km of Department of Conservation (DOC) controlled land, you need to contact DOC to see if you need a DOC fire permit. If your fire will be located outside of this area you will need a permit from the Council. If in doubt, contact

the Council on 06-759 6060.

You need to give the Council and DOC two days notice to conduct an inspection of the proposed fire site.

There is no cost to get a permit. You can apply online or at any of the Council Offices  
Website: [www.trfa.co.nz](http://www.trfa.co.nz)

# GRAFFITI

The Council has zero tolerance towards graffiti and endeavours to remove within a 24-hour working period any graffiti that can be seen from a public space (such as a road, reserve, walkway or car park) regardless of whether the graffiti is on public or private property. This service is free of charge.

## Help stamp out graffiti in your neighbourhood!

If you see any graffiti on your property, Council-owned property, a business or a neighbour's property, contact the police on 06-759 5500 to report the crime and contact the Council on 06-759 6060 to discuss its removal.

## When you report graffiti, please include the following:

- The exact location.
- What the graffiti is written on (e.g. wooden door, concrete wall, etc).
- What it is written with (e.g. spray paint, crayon, etc).
- What colour it is.
- If it is obscene or offensive.
- Your name.
- Your phone number.

With your help, we can keep our district clean and beautiful.

# KEEPING ANIMALS

## Can I keep animals in a residential area?

In most cases animals may be kept as long as they do not cause a problem to neighbours from noise, smell, dust, attraction of flies or any other nuisance which may be offensive or harmful to health. If the Council receives complaints about these issues and the owner is not able to resolve them, the animals may have to be removed from the property.

Animals need to be securely confined within the property, although there are exceptions (such as cats or bees). Any livestock (e.g. horse, cattle, sheep) kept on a property must be kept at least 2m away from adjoining premises (to prevent damage to neighbours' fences).

## Are there restrictions on keeping poultry?

Yes there are. You may keep up to 12 poultry in an urban area as long as they are kept in a properly constructed poultry house or a secure enclosure and do not wander into neighbouring properties. Roosters must not cause a noise problem.

## What are the restrictions on keeping cats?

In an urban area you may keep up to four cats (over the age of six months), and if you wish to keep more you will need to get Council approval. Breeders of cats (being a recognised breeder with a cattery) may keep more than four cats subject to specific conditions.

## Can I keep a pig?

You may keep pigs in any area; however, it must not cause a nuisance (noise, flies, offensive smell, etc). Keeping pigs in an urban area is not recommended unless you have sufficient land, there is suitable distance from neighbours, and you can ensure the pigs do not cause a problem to neighbours.

## What conditions apply to the slaughter of stock?

While the slaughter of stock may be more common in the rural community, the process involved may be considered by some (both in rural and urban areas) to be offensive. For this reason the Council bylaws require



that if any stock (e.g. cattle, sheep) are being slaughtered:

- They must be slaughtered out of view of neighbours or people nearby. This may require a suitable screen around the slaughtering or processing site.
- Waste disposal should be carried out immediately, and should not be in view of people nearby. The disposal site should be at least 25m away from waterways.

### **What if my stock (cattle, horses, sheep, etc) wander?**

It is the responsibility of every owner of stock to ensure the animals are adequately confined and do not wander or gain access onto public or private property. An owner of stock is responsible for any damages caused by their animals wandering onto the road.

Wandering stock may be impounded by Animal Control Officers and all costs associated with the impounding (officer time, transportation, and sustenance) are recovered from the owner. If the stock is not claimed, it may be disposed of in accordance with the Impounding Act 1955.

# NOISE

## What is noise?

Generally, this is a sound which is loud, or is unpleasant or undesired.

## Are there laws controlling noise?

Yes there are. This is mostly controlled under the requirements of the Resource Management Act 1991 and generally comes under the category of 'excessive' or 'unreasonable' noise. The District Plan also requires certain noise limits within defined areas, e.g. a residential environment has lower noise limits compared to an industrial area. Note that during construction, additional noise may be permitted at certain times due to the short duration of the construction project.

## What is excessive noise?

The Resource Management Act 1991 defines this as noise that is under the control of any person and which unreasonably interferes with the peace, comfort and convenience of any person. Generally this sort of noise is very loud, will be

going for long periods and is likely to be clearly heard from inside your house when the doors and windows are closed.

The effects of excessive noise will also depend upon the nature of the noise and the time of day it occurs – for instance, a noise which may be acceptable during the day will not be tolerated at night when you are trying to sleep, such as when the bass noise from a stereo keeps you awake. Excessive noise is determined by a subjective assessment by the enforcement officer, i.e. if it sounds loud to the officer then an action can be taken. This sort of noise is not measured with a noise meter.

## What is unreasonable noise?

In general terms this type of noise will exceed the noise standards in the District Plan but is not really so loud that it can be deemed to be excessive noise. Unreasonable noise generally requires the level to be monitored using a noise meter before any actions can be considered.

### **Are there times when I can make as much noise as I like?**

No. At all times of day or night, occupiers and/or owners of properties have a responsibility to control noise from the site to ensure that the noise is reasonable, and that no excessive noise occurs.



### **What about lawn mowing, chainsawing and things like that?**

There are certain activities which are considered reasonable and necessary – within reason. Lawns need to be mowed and shrubs or trees may need to be trimmed in residential areas. The necessary mowing of lawns or the trimming of trees at a reasonable time would be considered acceptable and noise standards would not be applied.

If, however, circumstances were not reasonable (e.g. mowing lawns at night, deliberately setting the mower going and not cutting grass, or chainsawing for long periods in a residential area), that would not be acceptable and would possibly be subject to noise controls.

### **If I have a complaint, what do I do?**

First discuss the matter with your neighbour and let them know what the problem is, and see if you can resolve it together. It often helps neighbourly relationships by discussing these things first, rather than your neighbour finding out only when a Council officer visits them.

Sometimes discussion is not a suitable option, in which case you can contact the Council on 06-759 6060 and give the details of your concerns. If your call relates to excessive noise associated with a party or a stereo, every effort will be made to investigate within 30-60 minutes of the call being received, day or night. If the noise is associated with industry or similar activities, the matter will be referred to an Environmental Health Officer who will investigate the issue during normal working hours.

### **What happens if the noise reoccurs after my first call?**

You will need to ring the Council back when the noise is happening so that appropriate action can be considered or taken at the time. This is particularly important when it relates to excessive noise from parties or stereos and needs immediate follow-up.

### **What actions can be taken by the Council to solve my noise problem?**

For one-off excessive noise issues (e.g. from a party or a stereo), the Council's Environmental Health Officer will assess the noise and if it is deemed to be excessive, the officer will ask the occupier to turn down the music (or noise) immediately. The occupier will be served a notice and must ensure the noise remains at the reduced level for 72 hours. If a further call is received from you during this period and the noise is found to be excessive again, the equipment used in making the noise will be seized by Environmental Health Officers in the presence of the police.

There is a fee for the release of the equipment, and the equipment's return may be refused in extreme circumstances, e.g. where this is

a repetitive problem. Remember that if the noise problem reoccurs – be it five minutes or five days after our visit – you should ring the Council immediately on 06-759 6060 so that it can be reinvestigated. Infringement notices can also be issued when non-compliance occurs and a notice had been served.

In regard to other noise (such as commercial or industrial noise), once the details have been received an Environmental Health Officer will visit the site and discuss the issue with the occupier. If matters cannot be resolved at this point, it will be necessary to take noise readings before taking further action. Written correspondence and notices may be issued. The recipients of notices have a right of appeal to the Environment Court. It can take a long time to gain evidence about a noise issue before an infringement can be issued or court action can be undertaken.

### **Does the Council control noise from vehicles driven on roads?**

No, the Council does not deal with noise from vehicles while on the road. However, the police can take a number of steps to deter those who fit noisy exhausts or drive in a manner which creates excessive noise, including instant fines and demerit points.



# STORMWATER

## What can I do if my neighbour's stormwater comes through my property?

The Council will investigate stormwater issues when they arise from work that has or should have had a building consent, or results from overflow from the street. Otherwise, stormwater is a private matter.

In general, natural stormwater flows must be accepted by property owners. Additional artificial flows such as those generated by re-contouring land or development (such as paving or landscaping) should be contained within the property which generates them. You may need to seek legal advice.

Frequent  
Neighbourhood  
Issues

# SWIMMING POOLS

## Is my neighbour's swimming pool securely fenced?

All private swimming pools must be registered with the Council and have child-proof fencing to the standards required by the Fencing of Swimming Pools Act 1987. It is the owner's responsibility to do this, or to keep the pool empty. There are potentially serious consequences for property owners who do not have compliant fencing.



The Council's Swimming Pools Compliance Officer looks at each registered pool every three years, and can require inadequate fencing to be fixed. The officer can provide general information on how you can make your pool comply with the law.

# TREES

## Are there protected trees in the district?

The District Plan lists several hundred notable trees in the district and rules apply to their maintenance or removal, and to activities within the dripline area. Notable trees identified with a plaque can be on public or private property. There may be other trees in industrial or commercial areas that need to be retained to meet District Plan rules or resource consent conditions.

## Can I build a structure close to a notable tree?

The District Plan contains rules that control trimming work on notable trees and ground disturbance of the land beneath the notable tree's canopy. How these rules will be applied will be dependent upon how important the tree is and the type of work proposed. For these reasons please discuss your intention with a Council planner. The Council planner may seek input from the District Arborist.

## Leaves from my neighbour's notable tree are blocking my gutters!

Contact the Council on 06-759 6060 so that a Council-approved arborist can assess the need for trimming or maintenance of the notable tree.

## Are there any other laws applying to problems caused by trees?

Yes, common law applies to trees that are not covered by the District Plan. When branches overhang or roots encroach from your neighbour's property, you can cut back the parts of the tree that cross the boundary. Your neighbour isn't responsible for the cost of removing the branches or roots unless the branches or roots are causing damage, such as to a fence or a drain.

If a neighbour's tree is causing damage, you can remove the branches or roots and, if necessary, go to the district court or Disputes Tribunal to claim the cost of removing them and repairing any damage. Alternatively, you can apply to the district court for an order to have the branches or roots removed as a legal nuisance, and the damage repaired at the neighbour's cost. You will need to seek legal advice.

# WAAHI TAPU AND ARCHAEOLOGICAL SITES

A waahi tapu (sacred) site is one that has been identified by iwi or hapu as a place that is spiritually and culturally important. It may be physically evident in the landscape, although this is not always the case.

An archaeological site contains physical evidence of pre-1900 human activity. It may be visible at or above the ground surface or lie buried beneath it.

It is possible for a site to be waahi tapu and an archaeological site – examples include pa sites, sites of past battles or historic events, and remains of cultivation areas.

Under the District Plan, a resource consent is required from the Council if there is a

proposal to subdivide or develop land within 50m of the site. Consultation with the relevant iwi may be needed to determine the extent of a waahi tapu.

The Historic Places Act has provisions that protect all archaeological sites including those which are not recorded. If work uncovers such a site, work must cease and the Historic Places Trust must be advised. It is likely that an archaeological authority will need to be granted before the work can restart.

If you need information related to your property, contact the Council on 06-759 6060 or [enquiries@npdc.govt.nz](mailto:enquiries@npdc.govt.nz).



Te Kaunihera-ā-Rohe o Ngāmotu  
**NEW PLYMOUTH DISTRICT COUNCIL**  
[www.plymouthnz.com](http://www.plymouthnz.com)



**NEW PLYMOUTH DISTRICT COUNCIL**

Liardet Street, Private Bag 2025,  
 New Plymouth 4342  
 Phone: 06-759 6060  
 Fax: 06-759 6072  
 Email: [enquiries@npdc.govt.nz](mailto:enquiries@npdc.govt.nz)

**NEW PLYMOUTH POLICE STATION**

Phone: 06-759 5500

**NEIGHBOURHOOD SUPPORT**

54 Tukapa Street, New Plymouth 4310  
 Phone: 06-753 2495  
 Email: [ntns@xtra.co.nz](mailto:ntns@xtra.co.nz)

**TARANAKI REGIONAL COUNCIL**

47 Cloten Road, Stratford 4352  
 Phone: 06-765 7127  
 Hotline: 0800 736 222

**CITIZENS ADVICE BUREAU**

32 Leach Street, New Plymouth 4310  
 Phone: 06-758 9542

**TARANAKI COMMUNITY LAW SERVICE**

Phone: 06-759 1492 or 0800 529 878  
 Fax: 06-759 1475  
 Address: Level 1, 65 Devon Street West,  
 New Plymouth  
 Postal address:  
 The Manager, PO Box 216,  
 New Plymouth 4340  
 Email: [tcsls@xtra.co.nz](mailto:tcsls@xtra.co.nz)

**DEPARTMENT OF LABOUR**

Phone: 0800 20 90 20  
 Fax: 06-759 9417  
 Address: 330 Devon Street East,  
 New Plymouth  
 Postal address: PO Box 342,  
 New Plymouth 4340

**NEW ZEALAND FIRE SERVICE**

67 Liardet Street  
 New Plymouth, Taranaki 4310  
 Phone: 06-757 3860