



## New Zealand Legislation

# Local Government Act 2002

- Warning: Some amendments have not yet been incorporated
- This version was reprinted on 27 May 2016 to make a correction to section 310 under section 25(1)(j)(i) of the Legislation Act 2012.

### Schedule 12

## Conditions of constructing or undertaking works on private land without the owner's consent

[s 181\(3\)\(b\)](#)

- 1 For the purposes of [section 181\(3\)\(b\)](#), the requirements are as follows:
  - (a) a description of the works, accompanied by a plan (in the case of any works to be constructed), showing how they affect any land or building, must be deposited for public inspection at a place within the district in which the works are to be undertaken:
  - (b) the territorial authority must give notice in writing of the intention to construct the works (referring to a plan and description of the works and where the plan and description can be viewed)—
    - (i) to the occupier of the land or building unless there is no occupier or, after all reasonable steps have been taken, the occupier cannot be found; and
    - (ii) to the owner if known:
  - (c) however, if there is a change of occupier, it is not necessary to give notice to any subsequent occupier before the work is done:
  - (d) if, within 1 month after the notice is given, the occupier or owner serves on the territorial authority a written objection to the proposed works, the territorial authority must—
    - (i) appoint a day for hearing the objection; and
    - (ii) give to the objector reasonable notice of the day, time, and place of hearing so as to enable the objector to attend the hearing:
  - (e) the territorial authority must hold a meeting on the day appointed, and may, after hearing any person making any objection, if present, determine—
    - (i) to abandon the works proposed; or
    - (ii) to proceed with the works proposed, with or without any alterations that the territorial authority thinks fit.
- 2 A person who is aggrieved by a determination of the territorial authority under [clause 1\(e\)](#) to proceed with the works proposed (with or without alterations) may appeal to a District Court against the determination within 14 days after the date of the determination.
- 3 Pending the decision of the court on the appeal, the territorial authority must not proceed with the works.
- 4 On the hearing of the appeal, the court, whose decision is final, may confirm or amend or set aside the determination of the territorial authority.

