

26 January 2023

s9(2)(a)



Thank you for your request of 9 December 2022 to Kāinga Ora – Homes and Communities, for the following information under the Official Information Act 1982 (the OIA):

*'Further to your reply on Call Number: 731535, the reply indicates "Kainga Ora are not required to prune trees back to the boundary line if and where a tree/bush has overgrown over and onto another property. " I don't think it is acceptable, as a result, I have no choice but to ask KO which KO policy document or manual that the above decision is based on. Please provide the following information related to the above KO decision. * documents, reports, memoranda, letters, emails and drafts * manuals that set out internal rules, principles, policies or guidelines for decision-making I'm sure you are aware that, according to Official Information Act (OIA), KO, as an agency, is obliged to provide the above information. We'll decide the next course of action once the above information is received.'*

There is one Kāinga Ora policy document that has information in scope of your request, entitled *Maintenance requests for trees and plants*.

We are releasing the attached two excerpts from a section of that document (*Calls from neighbours*) to you under section 16(1)(e) of the Act. Please note the information that is not provided relates to internal contact details.

It is important note that Kāinga Ora does remove parts of trees/plants in some circumstances. Those decisions are generally made by asset managers. An Asset Manager will be in touch with you about the concerns you first raised with our Customer Support Centre.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at <https://www.ombudsman.parliament.nz> or by freephone on 0800 802 602.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/> with your personal information removed.

Nāku iti noa, nā



James Kennelly
Team Leader Government Relations

Excerpts provided under section 16(1)(e) of the Official Information Act 1982

Both sections below are from a Kāinga Ora policy document entitled, **Maintenance requests for trees and plants** – specifically from a section called **Calls from neighbours**

Neighbours have the right to remove parts of plants that grow over their boundary. This is done at their own cost.

Where a Kāinga Ora tree has blown over the boundary into a neighbour's yard, Kāinga Ora will not generally remove it. Advise the owner to contact their own insurance company to arrange removal of the fallen tree.

Where the owner is alleging that Kāinga Ora actions or inactions contributed to the tree falling over and the damage caused, refer to the Asset Coordinators in the Property Management team

The responsibility for storm damage caused by trees or plants from a Kāinga Ora property into a neighbouring private property (for example a tree falling down damaging a fence), is likely to rest with the owner of the private property. This is true even if the tree or object doing the damage came from a Kāinga Ora property – as long as we have done nothing to cause the problem (for example, cut into the bank weakening the tree, or similar) and have acted in a way which is prudent or reasonable (for example, not knowingly allowing the tree to become rotten).

Kāinga Ora is not generally responsible for removing the tree debris that has fallen onto a neighbour's yard - again, as long as we have done nothing to cause the problem (for example, cut into the bank weakening the tree, or similar) and have acted in a way which is prudent or reasonable (for example, not knowingly allowing the tree to become rotten).