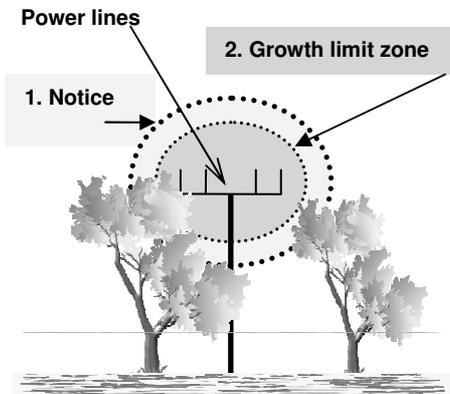


Trees & Power Lines

Trees can become a hazard if they grow too close to power lines. Network companies and tree owners both have responsibilities for making sure trees do not affect public safety and the power supply.

The Electricity (Hazard from Trees) Regulations

The Electricity (Hazard from Trees) Regulations 2003 (the Regulations) set out the responsibilities of both parties. You can see the Regulations in full at www.legislation.govt.nz



The Regulations identify two zones around power lines: the notice zone and the growth limit zone.

- Tree growth into the notice zone

If a network company becomes aware of tree growth into the notice zone, it may issue the tree owner a hazard warning notice. This notice warns a tree owner that trees have grown into the notice zone and must not grow into the growth limit zone.

- Tree growth in the growth limit zone

If a network company becomes aware of tree growth into the growth limit zone, it must issue the tree owner a cut and trim notice. This means the tree owner needs to organise, and usually pay, to have the trees felled or trimmed to outside of the notice zone.

The Regulations say what the cut or trim notice must contain, including the time-frame for the tree owner to have the trees felled (cut) or trimmed. They must also advise the network company about the time and location of the planned fell or trim at least three working days before it happens.

Tree owners are responsible

Tree owners are responsible for complying with cut or trim notices. This means the tree owner has to pay for having their trees cut out of the notice zone, except for

the first cut. The tree owner is responsible for removing or tidying any resulting debris.

Network companies and tree owners can agree to alter the tree owner's responsibility for the costs of cutting trees and removing debris.

Exception - the first cut and removal of debris

The Regulations say the network company has to pay for the first cut or trim since the Regulations took effect (January 2004) as long as:

- The network company has issued a cut or trim notice to the tree owner
- The cut or trim notice is the first notice
- The tree was not subject to Trees (Electric Lines) Regulations 1986 before the Regulations came into effect
- The network company and tree owner do not have an agreement under which the network company has already met those costs
- The tree is not the subject of a no-interest tree notice (see over).

If these conditions are met, the network company has to meet the reasonable costs of the first cut or trim (whether undertaken by the tree owner or the network company). This includes the reasonable costs of dealing with any resulting debris on the tree owner's land or adjoining land.

The network company can do the first cut or trim itself, as long as a dispensation or arbitration is not pending and it has permission to enter the land. The network company can decide whether it will remove or tidy the debris, but it must ensure the debris can be left in a way that does not interfere with use or enjoyment of the land.

Immediate danger to people or property

The Regulations say a network company has to do any necessary work on a tree (including trimming the roots) if it becomes aware there is 'immediate danger to persons or property from a conductor' (power line). The network company is responsible for removing any debris resulting from this work.

Where this occurs because a tree owner has failed to comply with a cut or trim notice, the network company can recover the reasonable costs of the cutting, debris removal, and damage to power lines or poles from the tree owner.

No-interest tree notice

A tree owner, including a local authority, can use a no-interest tree notice to tell the network company it has no interest in the trees. This means the network company (at its own cost) may remove or trim trees as it wishes, provided it receives permission to enter the land. The tree owner may request the network company be responsible for removing or tidying debris. The network company can decide whether it will remove or tidy the debris, but it must ensure the debris can be left in a way that does not interfere with use or enjoyment of the land.

A tree owner may give a no-interest tree notice to the network company if one of the following three situations applies:

- The tree was naturally sown near existing power lines, the tree encroaches one of the zones, and the power lines are on the same or adjoining property as the tree.
- The tree was planted near existing power lines before the Regulations came into effect and during planting the tree owner believed on reasonable grounds the tree (when fully grown) would not interfere with the power lines.
- The tree was planted near existing power lines on or after the Regulations came into effect and during planting the tree owner believed the fully grown tree would not encroach on the growth limit zone.

If a tree owner receives a cut or trim notice and wishes to declare no-interest, they must do so within 10 days of receiving the notice. The tree owner should provide sufficient information in the no interest notice to establish that one of the above situations applies.

A tree owner can cancel their no-interest tree notice by writing to the network company. Denying the network company permission to enter the land cancels a no-interest tree notice. The tree owner takes back responsibility for keeping the tree clear of the lines when a no-interest tree notice is cancelled.

Trees with amenity value

When a tree is covered by a no-interest tree notice from a local authority, the network company has to consider its amenity value to those in a 50 metre radius. A tree might have amenity value if it adds to the attractiveness of a property. The Regulations require the network company to consult with landowners for whom the tree may be an amenity before trimming or removal.

Dispensations

The Regulations allow for a network company to grant dispensations for trees to grow within the growth limit zone. A tree owner can apply to the network company for a dispensation once they receive a hazard warning notice or within five days of receiving a cut or trim notice.

Arbitration

The Regulations set up an arbitration system to handle disputes about dispensations. The Regulations set out what decisions an arbitrator may make and the time limits for applying to an arbitrator.

Offences by tree owners and network companies

The Regulations set out the offences tree owners and network companies commit when they do not comply. For example, it is an offence for a tree owner to fail to act on a cut or trim notice. It is an offence for a network company to fail to trim the trees when the tree growth becomes an immediate danger. Breaching the Regulations risks a fine of up to \$10,000, and a further \$500 a day for continuing non-compliance.

Public information

The Regulations require network companies to provide general information to the public each year about trees and power lines. Network companies need to publish this information online and either send it direct to tree owners or publish it in a local newspaper.

Who enforces the Regulations?

Energy Safety is part of the Ministry of Business, Innovation and Employment which is responsible for the administration and enforcement of the electricity and gas safety legislation in New Zealand. Go to www.energysafety.govt.nz or call free 0508 377 463.

Disclaimer

This fact sheet provides general information only. It is not legal advice. If you need guidance on this subject matter, you should seek your own legal advice.

Tips for resolving complaints

If you have any problems with your energy or network company, contact them first and explain your concerns. Keep records of letters, names, times and dates.

If the call centre staff can't help you, ask to speak to a supervisor, or the complaints team at the company.

If you cannot resolve your problem with the company, contact the Electricity and Gas Complaints Commissioner on 0800 22 33 40 or www.egcomplaints.co.nz. Our service is free to complainants.