



**NP15/115**

# **TREE REGULATION GUIDELINES**

Network Waitaki Limited  
10 Chelmer Street  
PO Box 147,  
Oamaru 9444

Telephone 03 433 0065  
[service@networkwaitaki.co.nz](mailto:service@networkwaitaki.co.nz)  
[www.networkwaitaki.co.nz](http://www.networkwaitaki.co.nz)

## TREE REGULATION GUIDELINES

# TREES AROUND POWER LINES

## The Electricity (Hazards from Trees) Regulations 2003

### About this Standard

This standard is an extension of the Network Waitaki Tree Management Policy and will provide the tree owner with a clear process for the management of trees near power lines to prevent serious harm to members of the public or significant damage to their property.

### Tree Owner

A tree belongs to and is the responsibility of 'the person' on whose land it is growing. When a property is rented or leased the responsibility for the trees may lie with the owner, agent or tenant depending on the written tenancy agreement.

<b>Name of Document</b>	Tree Regulation Guidelines
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	<b>Designation</b>
<b>Written By:</b>	Network Services (Standards)
<b>Approved By:</b>	Network Lifecycle Manager

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Document Revision	Description of Change	Date
<b>Version 001</b>	<b>Initial Standard document</b>	<b>24/10/2009</b>
	Reviewed – No changes	30/10/2011
<b>Version 002</b>	<b>Include the attachment of Complaints &amp; Disputes Scheme Appendix A</b>	<b>24/3/2014</b>
<b>003</b>	<b>Revise content and Include 66kV lines into table in page 4</b>	<b>Nov 2017</b>
<b>004</b>	<b>Revise requirements for Service Lines and LV Mains</b>	<b>Aug 2018</b>
<b>005</b>	<b>Contact details updated, Appendix A removed. Changed document owner to Lifecyle Manager.</b>	<b>Dec 2023</b>

## PURPOSE

The purpose of the tree Regulations is to protect the **safety of the public** and the **security of electricity supply** for power lines owned by Network Waitaki by:

- Prescribing minimum distances between power lines and trees;
- Establishing rules for who is responsible for cutting or trimming trees close to power lines;
- Outlining liability if the Rules and Regulations are not complied with; and
- Providing an arbitration system for disputes between the electricity lines owner and the tree owner over the operation of the regulations.

Network Waitaki relies on the common sense of our customers to "do the right thing" and ensure that trees on their property are not allowed to grow in close proximity to power lines. However, on occasion Network Waitaki will be left with no alternative but to use the regulations to ensure that safety and security of Network Waitaki supply are maintained. The regulations provide Network Waitaki with the ability to issue a range of notices to support these objectives.

Further information can be found on [www.networkwaitaki.co.nz](http://www.networkwaitaki.co.nz) or by contacting Network Waitaki Limited on (03) 433 0065.

## Danger of Trees near Power Lines

Safety of the public is paramount and trees in contact with power lines are a safety hazard, with the potential for causing injury or even death by electrocution if someone touches a tree made "live" by a power line. Trees in windy or stormy conditions can cause power cuts. Your power supply may be disrupted when trees or branches break damaging poles, power lines or other structures. Similarly, when conditions are dry, trees near power lines can cause serious fires.

## You're Responsibility

As a tree owner, you are legally required to ensure your trees do not grow too close to power lines. Network Waitaki may pay for the first trim or removal of a tree (conditions apply) that encroaches too close to conductors.

**Note:** The first free cut only applies to trees endangering Network Waitaki owned powerlines. It does not include trees near Customer owned high voltage or low voltage service lines.

## Dangers of Cutting Trees near Power Lines

Cutting and trimming trees in the vicinity of any live power line is dangerous work.

The tree owner or (unapproved arborist) can only legally trim a tree when any part of the tree is four metres or more away from a live power line. Trimmed branches must not fall within four metres of the power line.

When you, as the power line owner, becomes aware that any of your trees encroach on your private high voltage service line or low voltage mains you must arrange to have your trees cut or trimmed away from the lines. We can refer you to specialised contractors fully qualified and experienced in tree trimming around live power lines

If you wish to trim trees on your property near a private service line or LV mains, you can request a Safety Disconnect of the power line so you can do so safely (a free disconnection may apply with some conditions).

**Network Waitaki Power Lines.**

This Standard covers the requirements of the tree regulations when referred to power lines owned by Network Waitaki.

**Private 11kV Service Line.**

This standard covers the requirements of the tree regulations when referred to trees affecting the 11kV service line which conveys electricity between the network connection point, to a customer dedicated transformer which supplies that customer. The lines and transformer site are located on private property, or on property over which the customer has an easement or right to convey electricity.

Network Waitaki is by default, the customers high voltage line operator and has responsibility to carry out the regular safety checks (5 yearly), as required by the Electricity (Safety) Regulation on privately owned high voltage service lines on behalf of the line owner.

The safety report includes notifying the liner owner on the safety conditions of the power line and when trees are about to cause detriment to a private high voltage power line. Where it is brought to our notice that high voltage lines are affected by trees, we will issue a Cut/Trim notice to the line owner advising that the trees need urgent attention.

**Private LV Mains.**

Trees affecting private low voltage mains, between the point of supply and the electrical installations meter box, are not covered by the Electricity (Hazards from Trees) Regulations.

Network Waitaki is not responsible for checking or trimming trees around private high voltage service lines or LV mains, it's up to the property owner to keep trees well clear of those power lines.

**Obligation to Remove Danger**

The tree/line owner must make yearly checks of trees to ensure that trees are well clear of their power lines.

Where Network Waitaki is made aware of any tree hazard on a private high voltage service line has not been attended to, could seriously impact upon the network's high voltage system, we will intervene and issue an emergency Final Cut/Trim Warning Notice.

If still no action is taken by the tree owner to remove any immediate danger of electric shock to persons or damage to property, Network Waitaki will be left with no option under the Electricity (Safety) Regulations, but to disconnect the affected service line from our network until the immediate danger is removed.

**Planting Trees near Power Lines**

Serious consideration should be given to the species and placement of trees on your property to ensure they do not interfere with the power lines now and in the future.

Further information on trees suitable for planting near power lines can be obtained on [www.networkwaitaki.co.nz](http://www.networkwaitaki.co.nz)

**Zones**

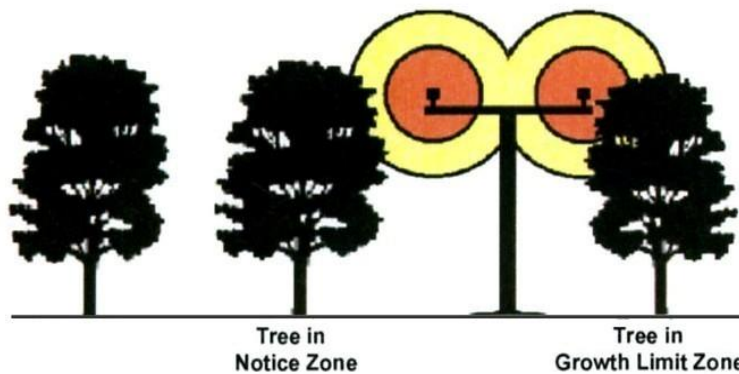
The *Electricity (Hazard from Trees) Regulations 2003*, state exactly how close trees may come to power lines before cutting or trimming is required. These measurements or Zones are known as the **Growth Limit Zone** and the **Notice Zone**.

The **Growth Limit Zone** is the space around the power line where trees must not encroach on even in windy or stormy conditions. The **Notice Zone** is one metre beyond the **Growth Limit Zone** (Refer to Diagram).

OVERHEAD LINE	NOTICE ZONE	LIVE GROWTH LIMIT ZONE
66kV – High Voltage	3.9 metres	3.0 Metres
33kV - High Voltage	3.5 metres	2.5 metres
11kV - High Voltage	2.6 metres	1.6 metres
400V / 230V - Low Voltage	1.5 metres	0.5 metres

**Note:**

1. The above distances are from power line.
2. Distances must be maintained under all conditions eg. High wind.
3. Low voltage is the power line between the house/building and Network Waitaki's transformer.



**Tree owners Liability**

Are you aware that you may be liable for all costs associated with any damage or power outages caused to Network Waitaki's power lines by your trees'?

**Hazard Warning Notice**

This is a Notice in writing from Network Waitaki warning the tree owner that a tree has encroached on the **Notice Zone** of a power line.

**What must I do if I receive a Hazard Warning Notice?**

Make arrangements with Network Waitaki or other appropriately qualified persons to cut or trim the tree within (3 months) of the date of the notice to ensure that the tree will not encroach on the **Growth Limit Zone**. The tree must be trimmed so that the tree does not encroach on the **Notice Zone**.

**Remember - this is a good time to be proactive!**

**If I Ignore a Hazard Warning Notice?**

If nothing is done, the tree owner will receive a Cut/trim Notice. The tree owner must then immediately arrange to have the tree cut or trimmed within 10 or 25 working days (dependent upon the growth rate) so that the tree does not encroach on the **Notice Zone**.

## **Cut/Trim Notice**

The Cut/Trim Notice is a notice in writing issued to the owner of an offending tree which has encroached on the **Growth Limit Zone**. If the offending tree is eligible for a first free cut and trim (conditions apply), the subsequent notice will indicate that Network Waitaki will meet the cost of the *first* cut or trim of the tree (provided the tree owner grants access to the site). All subsequent tree clearance work will be the tree owner's responsibility.

Where the offending tree is not eligible for the first free cut or trim, the tree owner will be advised to engage appropriate qualified persons to cut or trim the tree at the tree owners cost.

## **First Free Cut/Trim Notice**

We may cover the cost to perform the first cut or trim of a tree encroaching on the networks owned lines if the following conditions are met:

- according to our records, the trees have not already had a previous free cut or trim
- the trees do not form a shelterbelt
- the trees are not subject to a previous agreement
- the tree owner grants access to the site and,
- the tree must be encroaching on a power line owned by Network Waitaki.

If all these conditions apply, we will issue you with a first free cut or trim at no charge to you. However, for this to happen you will need to also fulfil your obligation by completing and signing the access agreement form, and returning it to us via post, fax, email, or dropping it into our Chelmer St. office in Oamaru,

## **What must I do if I receive a Cut/Trim Notice?**

Where you are eligible for the first free cut or trim, you must complete, sign and return the acceptance form attached to the **Cut/Trim Notice**. Failure to grant access could void this entitlement.

If you are not entitled to a free cut or trim, the tree owner is responsible to engage appropriately qualified persons to cut or trim the tree within 45 working days after the issue date of the Cut/Trim Notice or alternatively, 25 working days if the Cut/Trim Notice was issued to the tree owner within 3 months of the receipt of a Hazard Warning Notice.

## **Remember - this is a good time to be proactive!**

You may instruct a Network Waitaki approved tree person to trim the tree to a distance of four metres from the power line. Subsequent trimming may then be carried out by you or a contractor of your choice, providing the tree has not grown back any closer than 4 metres from the line.

## **What if I'm not home?**

A **Trim/Cut Notice** along with a copy of a free cut or trim acceptance form when a free cut or trim is applicable, will be sent to you to complete, sign and return the form to Network Waitaki Limited, P O Box 147, Oamaru, fax, email or dropping it into our Chelmer St office.

## **What then?**

Once a signed copy of the acceptance has been received, Network Waitaki will schedule your tree for the free cut or trim.

**What if I ignore a Cut/Trim Notice?**

The tree owner will receive a **Final Cut/Trim Warning Notice** to notify the tree owner of the consequences which may now apply.

Network Waitaki must remove any immediate danger posed by trees near power lines that are causing serious danger to persons or damage to property. The tree owner will be liable for the costs of this work where the tree owner without good reason, failed to comply with the terms of all previous notices.

Refer to *The Electricity (Hazards from Trees) Regulations 2003* (regulation 14).

**The tree owner must advise Network Waitaki when cutting**

The tree owner or the Network Waitaki approved tree person, must provide Network Waitaki with at least 3 working days' notice of the time and location of the cutting or trimming of the tree. Failure to advise Network Waitaki of the time and location of cutting or trimming of the tree are liable for a fine of up to \$10,000 and \$500 per day for every day that the offence continues.

**Responsibility for cutting**

Responsibility for costs of cutting or trimming will depend upon the circumstances of each case, but after the first free cut it will rest with the tree owner.

**No-Interest Tree Notice**

If the tree owner does not want to maintain an interest in any tree growing close to power lines, they may lodge a no-interest tree notice with Network Waitaki within 10 working days from the receipt of the Cut/Trim Notice in accordance with the Tree Regulations.

This removes the obligation of the tree owner to cut or trim the tree, and the responsibility for felling the tree will reside with Network Waitaki and this would include the removal of tree debris if the property owners request.

There are some trees for which a no-interest notice cannot be given.

**New Regulations Provide for Heavy Fines**

A tree owner who has been given a Cut/Trim Notice and fails to cut or trim the tree so that it does not encroach on the **Notice Zone**, or fails to advise Network Waitaki within 3 working days' notice of the time and location of cutting or trimming of the tree, may be liable on summary conviction to a fine not exceeding \$10,000 and if the offence is a continuing one. A further fine not exceeding \$500 for every day the offence continues.

No proceedings may be taken if the tree owner has applied for a dispensation or a no-Interest in the tree or where a dispute with respect to the tree concerned has been referred to an arbitrator.

**Trees outside of the Regulations Criteria**

Should Network Waitaki become aware of a potentially hazardous tree which is within the 'trees fall distance' and pose a risk to Network Waitaki overhead power lines, we will seek trimming or removal by mutual agreement with the tree owner.

Network Waitaki may meet all reasonable costs associated with the removal of a potentially hazardous tree. It is generally the responsibility of the tree owner to clear any resulting debris.

The Regulations do not require tree owners to act regarding potentially hazardous trees but, should the tree owner not agree to tree trimming or removal. They may be liable for costs associated with damage to lines and/or interruption to supply to third parties caused by a potentially hazardous tree,



**What must I do if I am a Shelterbelt Owner?**

If you have a shelter belt on your property, continue to trim as you have in the past. Make arrangements with Network Waitaki or other approved contractors to cut or trim the shelterbelt to ensure that the trees do not encroach on the **Notice Zone**.

Note: The first free cut and trim may not apply due to past agreements under the Shelterbelt Code of Practice.

**DOING NOTHING DOES NOT REMOVE YOUR RESPONSIBILITY**

**Remember - Look up and keep safe! *With Network Waitaki***  
*"Your local Powerline Company".*

For more information about Trees and your power supply, contact **Network Waitaki** on 03 433 0065.

**Arbitration**

Under Regulation 22 of the *Electricity (Hazards from Trees) Regulations 2003*, a tree owner can apply to an arbitrator to determine a dispute between the tree owner and works owner if:

- the line owner has refused to grant a dispensation under regulation 20 and the tree owner believes that a dispensation should have been granted: or
- the line owner has granted a dispensation under that regulation but the tree owner does not agree with the terms of that dispensation.

An application to an arbitrator must be made no later than 5 working days after the date on which the tree owner received notice under regulation 20(1).

An application to an arbitrator must be in writing and be made in the manner required by regulation 25.

The determination of a dispute by arbitration, or the making of an application to an arbitrator to determine a dispute, does not limit the obligation of a line owner under regulation 14 to undertake without delay, any work in relation to a tree.

**The government appointed arbitrator is:**

**Brad Cadwallader**  
**33 Cropp Place**  
**Richmond**  
**Nelson 7020**  
**Emai: [brad.cadwallader@paradise.net.nz](mailto:brad.cadwallader@paradise.net.nz)**

**Complaints & Disputes**

Network Waitaki is a member of **Utilities Disputes Limited**.

The Company has the responsibility to advise consumers of their rights. If you have any problem or concerns regarding your electricity supply or regarding the service you receive from Network Waitaki, we would like to hear from you.

Complaints may be received in writing, email, telephone or may be delivered in person to our office at 10 Chelmer Street, Oamaru.

Phone 03 433 0065 or, Freephone 0800 440 220.

Email: [service@networkwaitaki.co.nz](mailto:service@networkwaitaki.co.nz)