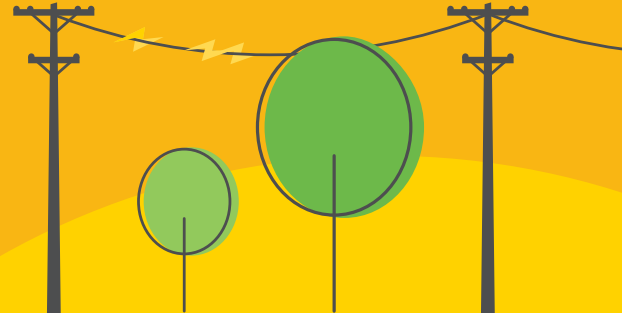


Trees and power lines



Utilities Disputes is here to help with questions or complaints about electricity, gas, water, or broadband installation on shared property. Our service is free, independent, and fair.

Trees growing too close to power lines can be a danger.

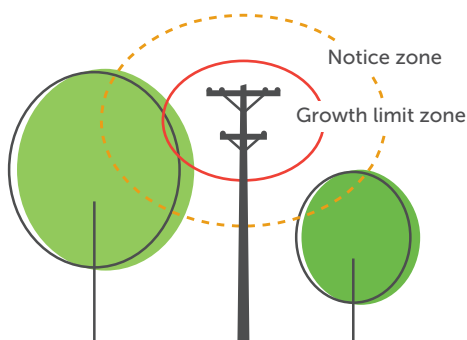
Distributors (who run the local electricity networks and own power lines) and tree owners are responsible for making sure trees do not affect public safety and the power supply.

The Electricity (Hazards from Trees) Regulations 2003 (the rules) set out the responsibilities of distributors and tree owners. You can see the rules in full at [legislation.govt.nz](https://www.legislation.govt.nz)

Who can cut trees near power lines

Only qualified people can cut trees within four metres of any power line, including the service line to your property. For high voltage lines, this distance is six metres.

Call your distributor for advice.



What must happen when trees grow close to power lines

Trees growing too close to power lines must be cut back. The rules talk about two areas around power lines:

The growth limit zone is the space around a power line which trees must not grow into. The amount of clear space required around the power line varies depending on the voltage of the line. If trees grow into this zone, the distributor must issue the tree owner a 'cut or trim notice'. This means the tree owner must have the trees cut back.

A cut or trim notice must include the time limit for the tree owner to cut the trees.

Tree owners must give the distributor at least 3 working days notice before cutting the trees. The notice must explain where and when the trees will be cut.

The notice zone is one metre beyond the growth limit zone. If trees grow into the notice zone, the distributor can issue the tree owner a 'hazard warning notice'. This notice warns a tree owner that their trees have grown into the notice zone and must not grow into the growth limit zone. The tree owner should have the trees cut back.



Immediate danger

The rules say a distributor has to do any necessary work on a tree (including the roots) if a power line causes immediate danger to people or property. The distributor is responsible for tidying up after this work.

If a tree owner has not complied with a cut or trim notice and the tree causes danger, the tree owner needs to pay the distributor for the work, any damage, and tidying up.

Who pays for cutting trees?

Tree owners usually pay for cutting their trees, and must comply with cut or trim notices. Tree owners are responsible for tidying up leaves or branches on nearby land.

Exception 1: The first cut

The rules say the distributor has to pay for the first cut or trim if all of the following apply:

- the distributor issues a cut or trim notice to the tree owner
- the cut or trim notice is the first notice for the tree
- the tree was not part of a shelter belt before these rules began in 2003
- the tree is not part of an agreement between the distributor and tree owner in which the distributor has already paid
- the tree is not part of a no-interest tree notice (see exception 2).

The distributor can do the first cut or trim itself as long as it has permission to go on the land.

The distributor has to tidy up leaves and branches on nearby land but not on the tree owner's land.

Exception 2: The tree owner declares no interest in trees

A tree owner can declare no interest in trees. This means the distributor can remove or trim trees at its own cost as long as it has permission to go on the land. The tree owner can ask the distributor to tidy up after.

If the tree owner wants to declare no interest, the tree owner must tell the distributor within 10 working days of receiving a cut or trim notice.

Tree owners can only declare no interest in certain trees. For example, trees naturally sown near power lines or trees planted where the tree owner couldn't have known they would grow near the lines.

If the tree is owned by a local council and is valuable to nearby landowners, the distributor must speak with the landowners before cutting the tree.



Tree owner responsible for trimming a tree older than the lines

Case note: 56951

Outcome: Recommendation – not upheld

The complaint

Mr S had a large tree at the front of his property. Some branches of the tree overhung power lines along the road. In January 2015, the distributor trimmed the tree at its own cost after issuing Mr S a first cut or trim notice under the Electricity (Hazards from Trees) Regulations 2003 ('the rules').

Mr S believed the tree was older than the distributor's power lines and this meant the distributor should continue to be responsible for trimming the tree. He also said the distributor should either pay him compensation for each trim, remove the tree and compensate him, or put its lines underground.

The distributor offered to:

- pay Mr S \$500 compensation for the loss of foliage after trimming the tree in January 2015
- trim the tree to the extent necessary under the rules for as long as Mr S owned the property.

In return, the distributor asked Mr S to agree to:

- not claim any more compensation for the trim in January 2015
- not claim compensation when the distributor trims the tree in accordance with the rules in future
- be responsible for removing the debris after the distributor trims the tree.

The parties could not agree and asked the Commissioner to recommend a settlement.

The outcome

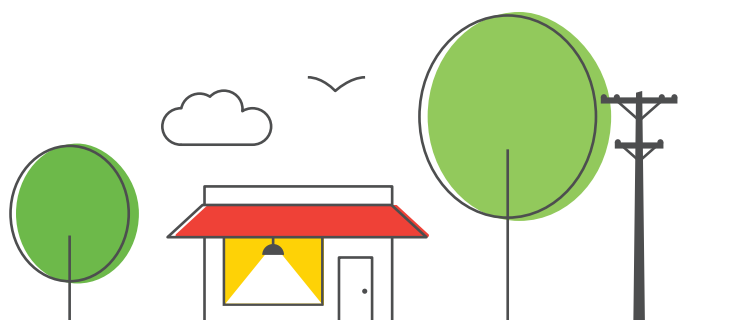
The Commissioner did not uphold the complaint. She found:

- Mr S was responsible for trimming the tree
- the distributor did not owe Mr S compensation for trimming the tree in January 2015
- the distributor's offer to Mr S was reasonable.

During the investigation the Commissioner's staff, an arborist engaged by the Commissioner's office, and representatives of the distributor visited Mr S's property. The arborist advised the tree was likely to be older than the lines and said the January trim had not damaged the tree.

The Commissioner said Mr S was responsible for trimming the tree because the rules say the tree owner is responsible for trimming. She said Mr S could choose to declare no interest in the tree, which would mean the distributor could choose to trim or remove the tree.

The Commissioner said Mr S was not entitled to compensation because the distributor had not damaged the tree by trimming it.



More information

For more information call your distributor or see the rules at legislation.govt.nz

Energy Safety is the regulator for ensuring the safe supply and use of electricity and gas in New Zealand. Go to worksafe.govt.nz or call free **0800 03 00 40**.

Disclaimer: this fact sheet is not legal advice.



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Utilities Disputes resolves complaints about electricity, gas, water, and broadband installation on shared property.

