



# Electricity (Hazards from Trees) Amendment Regulations 2024

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 16th day of September 2024

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 169 of the Electricity Act 1992 on the advice and with the consent of the Executive Council.

## Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 3 amended (Purpose)	2
5 Regulation 4 amended (Interpretation)	2
6 New regulation 4A inserted (Transitional, savings, and related provisions)	3
4A Transitional, savings, and related provisions	3
7 Regulation 5 amended (Consumers to be notified of certain dangers, growth limit zones, etc)	3
8 Regulation 7 amended (Hazard warning notice)	3
9 Regulation 9 amended (Cut or trim notice)	3
10 Regulation 10 amended (Cutting of trees encroaching growth limit zone)	3
11 Regulation 11 amended (Costs of first cut or trim and removal of debris)	3

12	Regulation 14 amended (Obligation to remove danger to persons or property from trees damaging conductors)	3
13	Regulation 17 amended (No-interest tree notice may be rescinded)	3
14	Regulation 19 amended (Application for dispensation)	3
15	Regulation 41 amended (Regulations do not affect specified agreements)	3
16	New Schedule 1 inserted	4
17	Schedule replaced	4
	<b>Schedule 1</b>	5
	<b>New Schedule 1 inserted</b>	
	<b>Schedule 2</b>	7
	<b>Schedule replaced</b>	

## Regulations

### 1 Title

These regulations are the Electricity (Hazards from Trees) Amendment Regulations 2024.

### 2 Commencement

These regulations come into force on 17 October 2024.

### 3 Principal regulations

These regulations amend the Electricity (Hazards from Trees) Regulations 2003.

### 4 Regulation 3 amended (Purpose)

In regulation 3(a), replace “distances from” with “spaces surrounding”.

### 5 Regulation 4 amended (Interpretation)

(1) In regulation 4(1), insert in their appropriate alphabetical order:

**cut-back zone**, in relation to the growth limit zone, means the space that extends no more than 1 metre beyond the growth limit zone

**protected tree** means a tree that is subject to clearance or pruning restrictions under a district plan (as defined in section 2(1) of the Resource Management Act 1991)

(2) In regulation 4(1), replace the definition of **growth limit zone** with:

**growth limit zone**, in relation to a conductor, has the meaning set out in Schedule 2 that applies to the conductor

(3) In regulation 4(1), definition of **notice zone**, replace “1 metre” with “2 metres”.

- (4) In regulation 4(2), after “notice zone,”, insert “cut-back zone,”.
- 6 New regulation 4A inserted (Transitional, savings, and related provisions)**  
After regulation 4, insert:
- 4A Transitional, savings, and related provisions**  
The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.
- 7 Regulation 5 amended (Consumers to be notified of certain dangers, growth limit zones, etc)**
- (1) In regulation 5(1), replace “Not later than 1 July 2005, and following that date at intervals of not more than 12 months, every works owner must” with “A works owner must, at intervals of not more than 12 months,”.
- (2) In regulation 5(2)(b), replace “notice zone” with “notice zone, cut-back zone,”.
- 8 Regulation 7 amended (Hazard warning notice)**  
In regulation 7(3)(b), replace “notice zone” with “notice zone, cut-back zone,”.
- 9 Regulation 9 amended (Cut or trim notice)**  
In regulation 9(3)(a), replace “notice zone” with “notice zone, cut-back zone,”.
- 10 Regulation 10 amended (Cutting of trees encroaching growth limit zone)**  
In regulation 10(1), replace “notice zone” with “cut-back zone”.
- 11 Regulation 11 amended (Costs of first cut or trim and removal of debris)**  
In regulation 11(3), replace “notice zone” with “cut-back zone”.
- 12 Regulation 14 amended (Obligation to remove danger to persons or property from trees damaging conductors)**  
In regulation 14(3), replace “notice zone” with “cut-back zone”.
- 13 Regulation 17 amended (No-interest tree notice may be rescinded)**  
In regulation 17(3), replace “is subject to clearance or pruning restrictions under a district plan (as defined in section 2(1) of the Resource Management Act 1991)” with “is a protected tree”.
- 14 Regulation 19 amended (Application for dispensation)**
- (1) In regulation 19(1) and (2)(a), replace “notice zone” with “cut-back zone”.
- (2) In regulation 19(2)(a), replace “regulation 11(2)” with “regulation 11(3)”.
- 15 Regulation 41 amended (Regulations do not affect specified agreements)**  
In regulation 41(3)(b), replace “the Schedule” with “Schedule 2”.

**16 New Schedule 1 inserted**

Insert the Schedule 1 set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

**17 Schedule replaced**

Replace the Schedule with the Schedule 2 set out in Schedule 2 of these regulations.

## Schedule 1

### New Schedule 1 inserted

r 16

## Schedule 1

### Transitional, savings, and related provisions

r 4A

### Part 1

#### Provisions relating to Electricity (Hazards from Trees) Amendment Regulations 2024

#### 1 Definitions

In this Part,—

**amended** means amended by the amendment regulations

**amended growth limit zone** means the growth limit zone as amended

**amendment regulations** means the Electricity (Hazards from Trees) Amendment Regulations 2024

**former growth limit zone** means the growth limit zone as in force at the close of 16 October 2024

**former notice zone** means the notice zone as in force at the close of 16 October 2024.

#### 2 Requirement to notify consumers

- (1) During the period starting on 17 October 2024 and ending at the close of 31 January 2025, every works owner must perform their obligations under regulation 5(1).
- (2) This clause applies regardless of when the works owner last performed the obligations in regulation 5(1).

#### 3 Transition period for amended growth limit zone

- (1) This clause applies until the close of 16 October 2026.
- (2) This clause applies in relation to a tree that—
  - (a) encroaches the amended growth limit zone; but
  - (b) does not encroach the former growth limit zone.
- (3) Despite regulation 8(2), a works owner is not required to give a cut or trim notice in relation to the tree.
- (4) However, a works owner may give a cut or trim notice in relation to the tree.

**4 Transition period for conductors on land administered under Conservation Act 1987 or Acts listed in Schedule 1 of that Act**

- (1) This clause applies until the close of 16 October 2026.
- (2) The references to the growth limit zone in regulation 8(4)(c) must be treated as being references to the former growth limit zone.
- (3) However, a works owner may under regulation 8(4)(c) cause a tree to be cut or trimmed to ensure that the tree ceases to encroach the amended growth limit zone.

**5 Existing cut or trim notices**

- (1) This clause applies to any cut or trim notice given before 17 October 2024.
- (2) A tree owner complies with regulation 10(1) if they cause the tree to which the notice relates to be cut or trimmed so that it does not encroach the former notice zone.

**6 Existing dispensations**

If a dispensation is granted in relation to a tree before 17 October 2024, the dispensation continues in force as if the amendment regulations had not been made.

**7 Existing applications for dispensations**

If an application for a dispensation is made, but not granted, before 17 October 2024,—

- (a) the works owner must consider the application as if the amendment regulations had not been made; and
- (b) the dispensation, if granted, continues in force as if the amendment regulations had not been made.

**8 Transition period for existing specified agreements**

- (1) This clause applies until the close of 16 October 2026.
- (2) For specified agreements entered into before 17 October 2024, the reference to the requirements of Schedule 2 in amended regulation 41(3)(b) must be treated as referring to the requirements of the Schedule as in force at the close of 16 October 2024.

## Schedule 2

### Schedule replaced

r 17

## Schedule 2

### Growth limit zones

r 4

#### 1 Low voltage or insulated conductors with spans of less than or equal to 150 metres

- (1) This clause applies to a conductor with a span of less than or equal to 150 metres in length that meets 1 or more of the following:
- (a) it has voltage of less than or equal to 11 kilovolts:
  - (b) it is an aerial bundled conductor or a conductor insulated by other means.
- (2) **Growth limit zone**, in relation to the space surrounding the conductor, means the space that extends no more than the specified distance from the conductor in any direction from any point on the conductor.
- (3) The **specified distance** is the distance specified for the conductor in the following table:

<b>Voltage of conductor other than aerial bundled conductor or conductor insulated by other means</b>	<b>Specified distance (metres)</b>
11 kV	1.6
400/230 V	0.5
<b>Voltage of aerial bundled conductor or conductor insulated by other means</b>	<b>Specified distance (metres)</b>
Any voltage if the conductor is an aerial bundled conductor or is otherwise insulated	0.5

**Key**

kV = kilovolts

V = volts

#### 2 High voltage, uninsulated conductors with spans of less than or equal to 150 metres

- (1) This clause applies to a conductor with a span of less than or equal to 150 metres in length other than a conductor to which clause 1 applies.
- (2) **Growth limit zone**, in relation to the space surrounding the conductor, means—
- (a) the space that extends no more than the specified distance from the conductor in any direction on or below a horizontal plane drawn from any point on the conductor; and

- (b) either—
- (i) the space above the space described in paragraph (a), regardless of the vertical distance above the conductor; or
  - (ii) in the case of a protected tree, the space that extends no more than the specified distance from the conductor in any direction above a horizontal plane drawn from any point on the conductor.

- (3) The **specified distance** is the distance specified for the conductor in the following table:

<b>Voltage of conductor</b>	<b>Specified distance (metres)</b>
66 kV or greater	4.0
50 kV to 66 kV	3.0
33 kV	2.5

**Key**

kV = kilovolts

### 3 Conductors with spans of more than 150 metres

- (1) This clause applies to a conductor with a span of more than 150 metres in length.

- (2) **Growth limit zone**, in relation to the space surrounding the conductor, means—

- (a) the space that extends vertically no more than the specified distance below a horizontal plane drawn from any point on the conductor; and
- (b) the space that extends horizontally no more than the specified distance from a vertical plane drawn from any point on the conductor; and
- (c) either—
  - (i) the space above the space described in paragraphs (a) and (b), regardless of the vertical distance above the conductor; or
  - (ii) in the case of a protected tree, the space that extends vertically no more than the specified distance above a horizontal plane drawn from any point on the conductor.

- (3) The **specified distance** is the distance specified for the conductor in the following table:

<b>Length of span (metres)</b>	<b>Specified vertical distance from a horizontal plane drawn from any point on the conductor (metres)</b>	<b>Specified horizontal distance from a vertical plane drawn from any point on the conductor (metres)</b>
150 to 300	4.0	D1 = 4.0 D2 = 8.0
301 to 500	4.0	D1 = 7.5 D2 = 15.0
501 to 700	4.0	D1 = 15.0 D2 = 30.0

Length of span (metres)	Specified vertical distance from a horizontal plane drawn from any point on the conductor (metres)	Specified horizontal distance from a vertical plane drawn from any point on the conductor (metres)
Greater than or equal to 701	4.0	D1 = 25.0 D2 = 50.0
<b>Key</b>		
D1 = distance for the 15% of each span at either end of the span		
D2 = distance for the centre 70% of each span		

Rachel Hayward,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the regulations but is intended to indicate their general effect.*

These regulations, which come into force on 17 October 2024, amend the Electricity (Hazards from Trees) Regulations 2003 (the **principal regulations**). The principal regulations set out rules and requirements to deal with hazards caused by trees to electricity lines to protect the security of the supply of electricity and the safety of the public. In particular, the principal regulations prescribe a growth limit zone around electrical conductors. Works owners who become aware of a tree encroaching into the growth limit zone must give a cut or trim notice to the tree owner, requiring the tree to be cut or trimmed.

The amendments in these regulations extend the growth limit zone for high voltage, uninsulated conductors and conductors with spans of more than 150 metres to be “clear to the sky”. This means any part of a tree encroaching above those conductors would need to be cut back. However, the clear to the sky requirement will not apply if a tree is protected under a district plan. For protected trees, there is no change to the growth limit zone.

There is no change to the growth limit zone for insulated or low voltage conductors with spans of 150 metres or less.

The principal regulations also prescribe a notice zone around the growth limit zone, and permit a works owner who becomes aware of a tree encroaching into the notice zone to give a hazard warning notice to the tree owner. The amendments extend the notice zone by an additional metre for all types of conductors.

The amendments provide a grace period in relation to the new growth limit zone. Until 16 October 2026, it will be optional for works owners to give cut and trim notices in relation to trees that encroach into the new areas of the growth limit zone. From 17 October 2026, it will be compulsory for works owners to give cut and trim notices for any encroaching trees in the new growth limit zone.

The amendments prescribe a new zone, the cut-back zone. This zone extends 1 metre from the growth limit zone. Under a cut or trim notice, trees must be cut or trimmed so that they do not encroach into the cut-back zone. This replaces the previous requirement for trees to be cut or trimmed so that they do not encroach into the notice zone. As the amendments extend the notice zone by 1 metre, the new cut-back zone effectively preserves the status quo.

The amendments require all works owners to provide consumers with updated information on the different zones by 31 January 2025.

The amendments will not affect existing dispensations, or applications for dispensations not yet determined.

### Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 19 April 2024 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mbie.govt.nz/dmsdocument/29083-regulatory-impact-statement-amendments-to-the-electricity-hazards-from-trees-regulations-2003-proactiver-release-pdf>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 19 September 2024.

These regulations are administered by the Ministry of Business, Innovation, and Employment.