

TREES NEAR OVERHEAD POWER LINES ELECTRICITY (HAZARD FROM TREES) REGULATIONS 2003



The issues Trees in close proximity to overhead electric lines can touch the lines and carry the electrical energy to earth through the tree. This is a serious safety issue as anybody close to the tree touching the overhead lines could receive an electric shock. The tree touching the overhead lines can also cause the electricity safety system to switch off power to the line causing power cuts to anybody connected to the line. Trees that appear clear of overhead electric lines can touch them in high winds. In dry conditions, trees touching overhead electric lines can catch fire damaging the lines and the tree. Tree owners should not attempt to cut/trim trees that are within four metres of or could fall within four metres of overhead electric lines as there is significant danger that electrocution may occur or damage could occur to the lines. Trees that are close to overhead lines should only be cut or trimmed by tree contractors approved by Eastland Network Ltd (ENL). Refer list at right.

Eastland Network Ltd Approved Tree Contractors		
ArborCare Tree Company Ltd		
Mark Randall	Ph 06 862 3789	Mobile 0274 527 804
Eastland Treecare Ltd		
Hop Sadlier	Ph 06 862 5833	Mobile 027 203 2642
Roberts Tree Surgeons		
Paul Roberts	Ph 06 868 6463	Mobile 027 249 6870

Introduction The Electricity (Hazard from Trees) Regulations 2003 clarifies the responsibility of ENL and individual tree owners where trees are in close proximity to overhead electric lines. The NZ Electrical Code of Practice 34:2001 (NZECP34) states the closest distance that work can be carried out to overhead electric lines. The Electricity Act 1992 and the Electricity Regulations 1992 provide further detail and instruction including the liability of tree owners where damage occurs to overhead electric lines. This notice provides a simple guide to the responsibilities of ENL and the individual tree owner.

Purpose of this notice The purpose of Electricity (Hazard from Trees) Regulations 2003 and this notice is to protect the safety of the public and the security of the electricity supply by;

- Prescribing the minimum distance between trees and overhead electric lines and,
- Defining who is responsible for cutting and trimming and,
- Defining liability and,
- Providing arbitration when there is disagreement.

This notice and additional information can be found on the ENL website at www.eastland.co.nz or by calling 06 869 0700.

The process

Inspection of the overhead electric lines.

ENL carry out on-going inspection of the overhead electric lines using staff and contractors to meet our obligations under the Regulations and to effectively manage our assets.

First cut

Where a tree has been inspected and found to be within the Notice Zone, ENL will notify the owner by mail advising the first cut/trim will be carried out free of charge. The owner is provided with a form to complete giving permission for ENL contractor to cut/trim.

Hazard Warning notice

Where a tree has been inspected and found to be within the Notice Zone and has already had a first cut notice, the tree owner is responsible for cut/trimming the tree to the Notice Zone. ENL will issue a Hazard Warning Notice to the owner by mail advising the process to be followed.

Owner agrees

When the owner has signed and returned the permission form, ENL will schedule the cut/trim to the contractor. The tree will be cut/trimmed to the Notice Zone. If the tree owner decides that the tree is not important they can declare the tree to be of "no interest". Refer "No Interest Tree"

Owner disagrees

If the tree owner refuses permission for ENL to cut/trim the tree, they may apply for a dispensation. Refer "Dispensation". If the tree is not cut/trimmed and becomes a hazard, ENL may act to make the site safe. Refer "Dangerous Tree".

Owner agrees

The tree owner carries out the cut/trim required to maintain the tree to the Notice Zone. Work is carried out at the tree owners cost by an ENL approved contractor. The tree owner can continue to maintain the tree outside the Notice Zone.

Owner disagrees

The tree owner may apply for a dispensation from cut/trimming the tree. Refer "Dispensation". If the tree is not cut/trimmed and becomes a hazard, ENL may act to make the site safe. Refer "Dangerous Tree". The tree owner may decide the tree to be of "no interest". Refer "No Interest Tree"

Dispensation

The tree owner may apply to ENL for a dispensation from trimming or cutting. ENL can grant a dispensation but the tree owner is bound by ENL conditions and is responsible to ensure that the tree does not exceed the ENL conditions for up to 5 years. If the tree is not maintained and becomes a hazard, ENL may act to make the site safe. Refer "Dangerous Trees". If the tree owner believes that dispensation should have been granted they can apply to an arbitrator to determine the dispute.

No Interest Tree

If the tree is on private property, naturally sown, planted before 1st July 2005 and not an "amenity tree", the owner may declare the tree to be of "no interest" by notifying ENL, in writing no later than 10 working days of receipt of the notice from ENL.

ENL accepts

If the tree meets the criteria set down in the regulations, ENL will either cut or trim the tree at ENL cost. The owner should note that ENL may elect to remove the tree.

ENL declines

If the tree does not meet the criteria set out in the regulations, ENL will decline the application and the owner will be required to maintain the tree in accordance with the regulations.

Dangerous tree

Where a tree has come into contact with an overhead line or constitutes a serious hazard to the conductor, ENL may cut or trim the tree as required to remove the hazard without notifying the tree owner.

Amenity Tree

"No interest" trees in the road may be classified as Amenity trees and residents within 50m of the tree will be notified in accordance with the regulations prior to these trees being cut/trimmed.

Response

If a resident within 50m of an amenity tree accepts responsibility for that tree, that person will be treated as the tree owner and issued with Cut or Trim notices as if the tree were on their property.

No response

ENL will manage the tree and cut/trim as required to meet regulatory requirement. Note that ENL may elect to remove the tree.

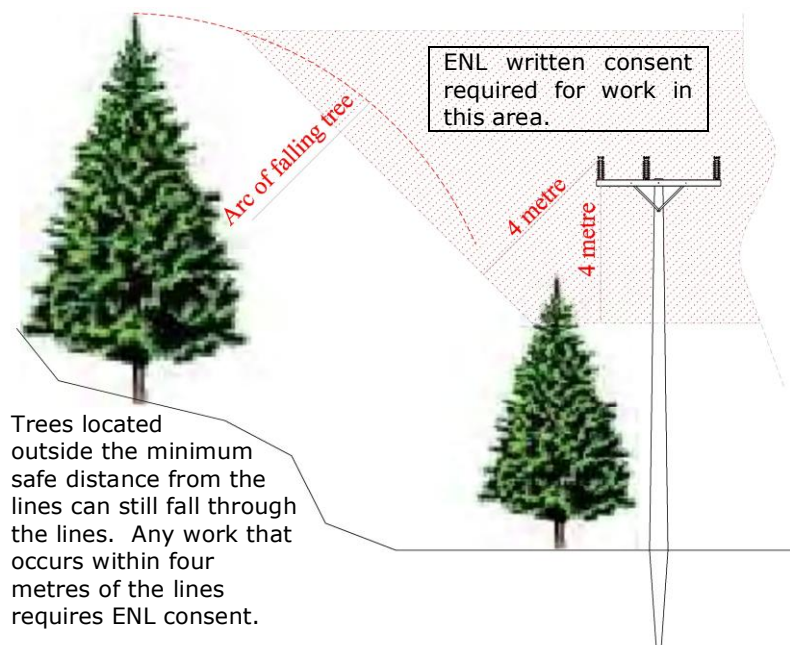
Owner liability

Where the tree owner has failed, without reasonable excuse to cut/trim the tree, they are liable on summary conviction to a fine up to \$10,000 and a further fine of up to \$500 per day during which the offence has continued. Tree owners are liable to ENL for the cost of remedying damage caused to a conductor if they fail to comply with these regulations and that damage arose from a failure of the tree owner to comply with these regulations. ENL may recover any amount payable as a debt due to ENL.

Offences Section 26(1) of the Regulations states "A person commits an offence who, being a tree owner who is given a cut or trim notice in relation to a tree that requires the tree owner to cut or trim the tree, - a) fails, without reasonable excuse, to cause the tree to be cut or trimmed in accordance with regulation 10; or b) in contravention of regulation 10(3), fails, without reasonable excuse, to advise the works owner of the time and location of the cutting of the tree."

The zones There are three zones (distance from the overhead electric lines) that are important to understand and are explained below.

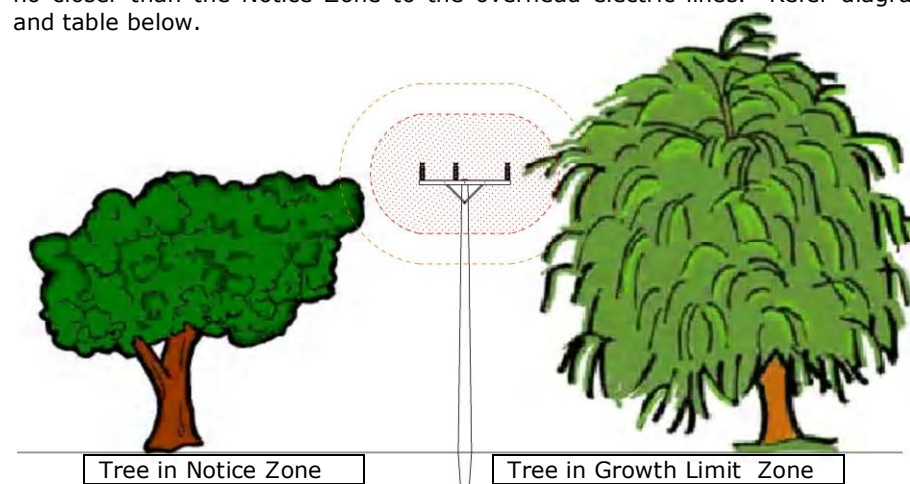
The **minimum safe approach distance** (NZECP 34:2001, Section 9.2.1 (a)). This zone is also called the "Vegetation Control Zone" in the draft "Code of Practice for Safety in Tree Work Part 2: Maintenance of Trees around Overhead Electric Lines". The zone is four metres from any overhead electric line with a voltage of 110,000 volts and below and written consent from ENL is required prior to any tree control work being carried out in this zone. It is important to realize that larger trees that may fall through this zone during felling operations also require ENL written consent. Refer diagram below.



Trees located outside the minimum safe distance from the lines can still fall through the lines. Any work that occurs within four metres of the lines requires ENL consent.

The **Growth Limit Zone** This is the zone where tree growth can become a safety hazard and can pose a threat to the security of the electricity supply. Refer diagram and table below.

The **Notice Zone** This zone is one metre outside the growth limit zone and ENL inspects the electricity network to ensure that trees are maintained to a point no closer than the Notice Zone to the overhead electric lines. Refer diagram and table below.



OVERHEAD LINE	NOTICE ZONE	GROWTH LIMIT ZONE
High Voltage		
50kV	4.0 metres	3.0 metres
33kV	3.5 metres	2.5 metres
11kV	2.6 metres	1.6 metres
Service Main	2.6 metres	1.6 metres
Low Voltage		
400V/230V	1.5 metres	0.5 metres
Service Main	1.5 metres	0.5 metres

Notes: 1. Distances are from the electric overhead lines.
2. Distances must be maintained under all conditions i.e. High wind, sag etc.

Private Overhead Service Mains connect some customers to our network through high voltage and low voltage overhead electric lines. The owner is responsible for the control of trees in proximity of the private service main. It is recommended that tree control work near conductor is **only** carried out by an ENL approved contractor for safety reasons. A list of contractors approved for work near ENL lines is shown at the top of this notice.

Planting new trees near overhead electric lines. Serious consideration should be given to species selection and placement of trees on your property to avoid future conflict between the tree and the conductor.