

Electricity (Hazards from Trees) Regulations 2003

TREEOWNER RESPONSE TO FIRST CUT OR TRIM NOTICE



FCTN No: _____

Customer / Treeowner Name:

Site Address:

Date:

Email Address:

Mobile No:

I/We being the landowner/treeowner named above, having the authority to sign this form (please strike out any of the following that do not apply and sign below):

- acknowledge that I/We are the legal owner of the land and the trees referred to in the notice.
- acknowledge receipt of the FCTN Notice with number referred to above, which was served on me/us.
- accept the offer by WEL to cut/trim all the trees referred to in the FCTN notice **free of charge to us:**
 - to the extent referred to in the FCTN notice; or
 - to the extent of the regulatory minimum.
- accept the offer by WEL to cut/trim all the trees referred to in the FCTN notice **free of charge to us**, only to the extent of the regulatory minimum.
- agree to any felling recommended in the FCTN Notice.
- will give WEL access to the land to carry out the work on the trees to carry out the work in the way WEL deems safe and I/we have identified hazards and risks or seasonal constraints in the box below.
- acknowledge that the free work includes a tidy up of twigs and sticks (debris) with core wood trimmed and stacked safely in the immediate vicinity of the tree from which they originate.
- acknowledge that I/we have completed a request for a quote for WEL to create firewood or mulch at my/our expense.
- acknowledge that if we choose to have the trees dealt with using our own qualified arborist, we will ensure that WEL is given as much notice as possible (ideally two (2) weeks' notice) to prevent delays due to safety concerns before the work is to commence. We will not deal with our trees ourselves if they are closer than 4m from the power lines.
- consent to receiving any and all future notices regarding lines or trees on our property/properties by email, to the email address set out above.

Note: If a treeowner chooses to have a free cut only to the edge of the regulatory minimum zone, WEL will serve a further notice on them as soon as the tree grows back into the GLZ. The treeowner will be responsible for the cost of cutting.

Hazards, Risks and/or Seasonal Constraints Information:
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Signed by treeowner/ landowner

Date

Return this form: copy/scan/photo to WEL by email to tree@wel.co.nz

If you have any queries please contact us as soon as possible: Alex Horan, Vegetation Patroller, WEL Networks Ltd
Mobile: 021 247 3986 | Email: alex.horan@wel.co.nz and/or tree@wel.co.nz | PO Box 925, Hamilton | www.wel.co.nz

WHY HAVE WE ISSUED THIS NOTICE?

The Electricity (Hazards from Trees) Regulations 2003 (the Regs) are the statutory regulations which set out responsibilities for cutting and trimming trees which are growing around power lines. You can view these online at www.legislation.govt.nz.

Your tree(s) is/are growing into a Growth Limit Zone (GLZ). A GLZ is the zone around WEL's overhead power lines which must be clear of trees either growing inside it or other tree branches growing into the zone. The GLZ's from the Regs are:

Overhead Line	Growth Limit Zone	Overhead Line	Growth Limit Zone
33kV - High Voltage Lines	2.5m	66kV or greater - High Voltage Lines	4.0m
11kV - High Voltage Lines	1.6m	50kV to 66kV - High Voltage Lines	3.0m
400/230V - Low Voltage Lines	0.5m		

The relevant zone for your trees, is indicated on the Cut or Trim Notice (CTN, FCTN or SCTN served on you).

WEL'S RESPONSIBILITIES

As the owner of the power lines WEL is responsible for the lines. As the owner of the trees, you are responsible for paying to keep your trees away from the lines.

However, WEL will pay for the first/initial cut or trim of a tree that WEL knows is growing into a GLZ, provided that you confirm agreement with WEL's recommendation or a lesser cut and complete the Treeowner Response Form provided to you or available on the WEL website. WEL is responsible for tidying debris but not for removing timber etc. from your property.

If felling is recommended, WEL may give you a quote to cover the cost of felling and/or if you request it WEL may give you a quote for timber management.

YOUR RESPONSIBILITIES - THIS INITIAL CUT OR TRIM

This initial cut or trim is only free if we hear back from you. If we don't receive a response, we will consider that you have not consented to the free Cut or Trim offered under this Notice. In this case, under the Regs, it is your responsibility to arrange to have the tree(s) cut or trimmed by a qualified arborist (Reg 11(2)). You must then inform WEL when the work has been completed, so we can update our records.

Failure to give WEL consent to cut for free or failure to arrange for the work to be done, is an offence under the Electricity (Hazards Regs (Reg 26). You could be liable for a fine of up to \$10,000 for non-compliance and a further \$500 for every day or part of a day that the offence of non-compliance continues. You will also be responsible for the cost of repairing any damage caused by the tree(s) the subject of this notice. This includes damage caused to WEL power lines. WEL has overlapping duties under the Health and Safety at Work Act 2015 with many landowners/treeowners. Together we have a responsibility to workers carrying out work on your land. If WEL is carrying out work we will talk to you about these overlapping duties before the work begins. WEL encourages you to complete the form and to supply the consent and/or select one of the alternatives offered.

YOUR RESPONSIBILITIES - FUTURE CUTTING

After this free initial cut or trim, you are responsible for any cuts or trims to the tree(s) to keep it/them out of the Growth Limit Zone. You must use a qualified tree contractor to perform the work. Power lines are live electrical lines. You should not perform the cut or trim work yourself. Please contact WEL for the list of approved contractors.

IMMEDIATE DANGERS

If the tree(s)' continued growth become(s) an immediate danger to persons or property, WEL can perform an emergency Cut or Trim. The cost of this work may be your responsibility.

REQUEST FOR LIMITED CUTTING

Within **5 working days** of this notice, you can ask WEL to consider a "dispensation" to the Cut or Trim. You can do this if you consider that due to: (i) species, (ii) age or (iii) location of the tree in relation to the power lines, it means that it is unlikely to come into contact with, damage or pose a serious hazard to WEL power lines.

To apply, please get in touch by email or post, contact details are below. The request must state which of the above grounds (i) to (iii) you seek to rely on. Please include as much information as you can on why you think the relevant ground for dispensation applies to your tree(s). WEL will consider and respond to your request within 5 working days of receipt.

If WEL agrees to the dispensation, we will not carry out the cut or trim. We will tell you of the relevant Growth Limit Zone that your tree must not encroach/ grow into. It will be your responsibility and cost to ensure the tree does not encroach or grow into that zone.

If you do not agree with WEL's decision regarding a dispensation, you are entitled to apply to the nominated arbitrator appointed by the Ministry of Business, Innovation and Employment. You have 5 working days, from the date of receipt of WEL's decision, to apply. Please contact WEL for the list of arbitrator contact details.

NO INTEREST NOTICE

Within **10 working days** of this notice, you can lodge a No Interest Notice request. The purpose of a no interest declaration is that you have no interest in whether the tree remains, is felled, or the extent of cutting. To qualify the requirement is: the tree was (a) naturally sown or (b) the tree planter (you or the predecessor owner) and you/they did not consider that it would interfere with the nearby electricity lines (on reasonable grounds) when it became fully grown. If no interest applies you will have no future responsibility to cut or trim the tree. If a No Interest Tree Notice is served which does not comply with Reg 15(1), it is invalid and of no effect.

If WEL accepts the No Interest Notice from you, WEL will remove or trim the tree as WEL determines. If you do not give WEL consent to access the land to deal with the tree, the No Interest status is revoked. If the tree remains, any future cutting or trimming will be managed by WEL at WEL's cost. Felling is the most likely WEL preferred option so if you want your tree to remain, declaring no interest is not your best option.

No Interest will not be accepted from any Local Authority in respect of any tree subject to clearance or pruning restrictions.

To apply, please use the No Interest Tree Notice Form on the WEL website.

PRIVACY

Any personal information collected in conjunction with this Notice is collected from you solely for WEL to comply with relevant laws. Your personal information will not be disclosed to any other person or organisation without your consent unless WEL is required to disclose it by law. For further information see www.wel.co.nz/wel-privacy-policy/.

COMPLAINTS

WEL has a free internal complaints resolution process. If you have a complaint or enquiry, please call 0800 769 372, write to us at PO Box 925, Hamilton 3200, or email customerservices@wel.co.nz. WEL's preference is to resolve complaints directly.

WEL is part of the Energy Complaints Scheme run by Utilities Disputes Ltd (UDL). If we cannot resolve your complaint, you can contact UDL on 0800 22 33 40 or go to <http://www.udl.co.nz>. UDL provides a free and independent service for resolving complaints about utilities providers.

CONTACT DETAILS

Email tree@wel.co.nz or post to Vegetation Manager, WEL Networks Ltd, PO Box 925, Hamilton 3200.

Content Manager No:

Authorised By:

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