



## COVERSHEET

|                               |                                                             |                             |                  |
|-------------------------------|-------------------------------------------------------------|-----------------------------|------------------|
| <b>Minister</b>               | Hon Simeon Brown                                            | <b>Portfolio</b>            | Energy           |
| <b>Title of Cabinet paper</b> | Electricity (Hazards from Trees) Amendment Regulations 2026 | <b>Date to be published</b> | By 4 August 2026 |

### List of documents that have been proactively released

| <b>Date</b>  | <b>Title</b>                                                                          | <b>Author</b>                     |
|--------------|---------------------------------------------------------------------------------------|-----------------------------------|
| June 2026    | Electricity (Hazards from Trees) Amendment Regulations 2026                           | Office of the Minister for Energy |
| 18 June 2026 | Electricity (Hazards from Trees) Amendment Regulations 2026<br>LEG-26-MIN-0119 Minute | Cabinet Office                    |

### Information redacted

**NO**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

## In Confidence

Office of the Minister for Energy  
Chair, Cabinet Legislation Committee

# Electricity (Hazards from Trees) Amendment Regulations 2026

## Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Electricity (Hazards from Trees) Amendment Regulations 2026.

## Executive Summary

- 2 Trees or parts of trees falling on power lines is a common cause of electricity outages, particularly during extreme weather events. In the wake of Cyclone Gabrielle, there has been renewed focus on improving the security of electricity supply.
- 3 The primary concern expressed by lines owners (Transpower and electricity distribution businesses (EDBs)) is that the Electricity (Hazards from Trees) Regulations 2003 (“the Regulations”) do not allow them to trim or remove trees outside the Growth Limit Zone (GLZ) which could fall on their lines. The GLZ is the regulated zone around electricity lines which must be kept clear of vegetation.
- 4 To address these concerns and improve public safety and security of electricity supply, on 14 April 2025, Cabinet agreed [EXP-25-MIN-0043 and CAB-25-MIN-0124] to the following amendments to the principal regulations:

| Proposed amendment |                                                                                                                                                                                                                                                                                | To apply in these areas                                                                   | Transition period                                                       |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <b>KEY CHANGES</b> |                                                                                                                                                                                                                                                                                |                                                                                           |                                                                         |
| 1                  | <b>A new power to remove existing hazardous trees:</b> This will reduce risks posed by existing trees by empowering lines owners to assess hazardous trees around lines and issue Notices requiring that they are removed.                                                     | Both urban and non-urban areas.                                                           | Two years from Gazettal, before a Treefall Hazard Notice may be issued. |
| 2                  | <b>A restriction on new planting near lines:</b> This will reduce risks from new trees and apply where there is no existing forest. New planting within 24 metres either side of lines will be limited to trees whose mature height is less than their distance from the line. | Non-urban areas (would not apply to urban areas, shelter belts or already forested land). | One year from Gazettal, before restrictions will apply.                 |

## MINOR AND TECHNICAL AMENDMENTS

## IN CONFIDENCE

|   |                                                                                                                                                                                                                                |                                                        |                                                                                 |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------|
| 3 | Extend the GLZ 'clear to the sky' arrangements for lines 11kV or below in non-urban areas.                                                                                                                                     | Non-urban areas (this already applies in urban areas). | Effective 16 October 2026 to align with existing 'clear to the sky' amendments. |
| 4 | Modernise the Regulations by retaining the requirement for online communication (including forthcoming amendments) by lines owners, and no longer require publication in local newspapers or written notice to every customer. | NA                                                     | No transition period.                                                           |

- 5 These amendments will reduce the risk to lines from vegetation and therefore reduce net costs for consumers.

### Background

- 6 The Regulations were made in 2003 to improve safety and deal with the risk to electricity supply resilience posed by vegetation encroaching on lines. The Ministry of Business, Innovation and Employment (MBIE) has led a review of the Regulations.
- 7 The Regulations already create a non-encroachment zone around lines (the Growth Limit Zone (GLZ)). Following Cabinet agreement in September 2024 to Phase 1 amendments, the GLZ was amended so it reaches vertically to the sky for lines with a voltage greater than 11kV and lines with spans of more than 150 metres. Another amendment was also made so lines owners have the ability to notify tree owners of trees encroaching on lines earlier than they could previously.
- 8 However, the current scope of the Regulations remains too narrow to address risks from trees falling onto lines from outside of the GLZ. The Phase 2 amendments agreed by Cabinet in April 2025 now will complete the reforms, which will be progressed via changes to the Regulations.

### Policy proposals

- 9 **'A new power to remove existing hazardous trees'** – The Regulations currently require trimming of trees that may grow into lines, but do not address trees which could fall onto lines from outside the GLZ. This amendment would allow line owners to require a tree up to 24 metres either side of the GLZ to be removed, following an assessment of the likelihood and impact of that tree falling onto a line. Where an assessment reveals a sufficiently high risk of damaging treefall, the line owner may issue a Treefall Hazard Notice requiring the removal of the tree, at the line owner's expense. A diagram explaining this amendment is attached at **Appendix One**.
- 10 **'A restriction on new planting near lines'** – The risk that trees pose to lines is expected to increase in coming years due to a combination of more frequent severe weather events and increased afforestation to meet climate commitments. This amendment would restrict the planting of new trees near lines to species that, at maturity, would not be tall enough to fall onto a line. The restriction would not apply in urban areas, on land that is already

forested, or to shelter belts. A diagram explaining this amendment is attached at **Appendix Two**.

- 11 **‘Extend the GLZ ‘clear to the sky’ arrangements’** – Phase 1 amendments made the growth limit zone ‘clear to the sky’ but excluded lines of 11kV and below. This was largely because of concerns about the impact on residential tree owners in urban areas, where most of these lines are located. Line owners have since submitted that this exemption unnecessarily limits the benefits of a ‘clear to the sky’ regime in non-urban areas where the original policy rationale does not apply. This amendment will apply the ‘clear to the sky’ provisions to lines of 11kV and below in rural areas.
- 12 **‘Modernise publication requirements’** – Line owners are currently required to publicly disclose information relating to the Regulations on the internet and to either provide written notice to all consumers or publish the information in two editions of widely read local newspapers. This amendment will remove the requirements to provide notice by letter or newspaper, and the related offence provision, as these mechanisms are either disproportionate in cost or no longer appropriate, and instead allow lines owners to meet their disclosure obligations through publication on the internet.

#### **Modifications in response to submissions on the exposure draft**

- 13 Targeted consultation on an exposure draft of the Electricity (Hazards from Trees) Amendment Regulations 2026 (“the exposure draft”) highlighted a small number of minor workability and technical issues.
- 14 Cabinet has already delegated authority to the Minister for Energy to make decisions consistent with the policy intent of the amendments on issues arising during drafting, including minor or technical matters. I have used my delegated authority [EXP-25-MIN-0043] to make minor workability and technical improvements to the draft regulations as follows:
  - 14.1 Clarify that for trees moderately likely to fall on transmission lines, Transpower will only have to assess the likelihood of treefall, not impact of treefall.
  - 14.2 Increase the arbitration window from 5 to 10 working days, recognising that 5 days was not enough time for forest owners to apply for arbitration.
  - 14.3 Add exposure to high winds as factor for risk assessments.
  - 14.4 Confirm that a lines owner is not obliged to pay for the first cut and trim if a tree is planted in contravention of Low Height Planting Zone (LHPZ) rules (i.e. the tree is not low height).
  - 14.5 Confirm that a lines owner is not obliged to pay for the first cut and trim or removal of a tree under the Treefall Hazard Notice if the tree is self-sown and growing in contravention of LHPZ rules (i.e. the tree is not low height).

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- 14.6 Clarify that the definition of tree removal under the Treefall Hazard Notice proposal does not include the removal of the tree roots.
- 15 The issues raised fall within that delegation, do not affect the policy intent, and can be addressed through drafting changes. I therefore do not consider further Cabinet approval is required.

### **Interaction with the National Environmental Standards for Commercial Forestry (NES-CF)**

- 16 These amendments will operate alongside the Resource Management Act NES-CF. Where activities are regulated under the NES-CF (including pruning, thinning, and harvesting), landowners will need to comply with both regimes. Officials will work with relevant agencies to ensure guidance clearly explains managing effects on private property investment and escalating risks, and how the regulations interact, which will avoid duplication and support compliance.

### **The transition periods**

- 17 Cabinet agreed to a two-year transition period before lines owners may give Treefall Hazard Notices in respect of trees that have been identified as a high or moderate treefall hazard.
- 18 Cabinet also agreed to a one-year transition period before landowners are restricted to planting trees or vegetation with a mature height lower than their distance from the line, within 24 metres either side of the line.
- 19 As part of the Phase 1 amendments Cabinet agreed to a two-year transition period for the 'clear to the sky' amendment. This is set to end on 16 October 2026 and therefore this is when the amendment to extend the GLZ 'clear to the sky' arrangements' will become effective.
- 20 I do not consider a transition period is required for the amendment to modernise publication requirements.

### **Timing and 28-day rule**

- 21 The Electricity (Hazards from Trees) Amendment Regulations 2026 will come into force on 23 July 2026, which complies with the requirement that regulations must not come into force until at least 28 days after they have been notified in the *New Zealand Gazette*.

### **Compliance**

- 22 The Electricity (Hazards from Trees) Amendment Regulations 2026 comply with:
- 22.1 the principles of the Treaty of Waitangi;
- 22.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;

- 22.3 the principles and guidelines set out in the Privacy Act 2020;
- 22.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 23 The proposed amendments to the Regulations are not expected to have a significant impact on children, seniors, disabled people, women, people who are gender diverse, Pacific peoples, veterans, ethnic communities, and faith-based communities.
- 24 Submissions from Māori with forestry interests raised concerns about costs imposed by existing lines and proposed that commercial easements should be sought to reduce risks for lines owners and provide fairness to landowners. They emphasised that long term solutions should be preferred. They also proposed broader compensation arrangements, including in relation to land returned to Māori through Treaty settlements.
- 25 I consider the proposed updates to the Regulations constitute a targeted, proportionate approach that will minimise concerns about impacts on landowners, while giving more scope for lines owners to address treefall risk and limiting the adverse impacts of afforestation. This will also reduce the risks of lengthy electricity outages to remote Māori communities. Based on these factors, I do not foresee significant Treaty risks from the recommended actions.

### **Regulations Review Committee**

- 26 There are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House of Representatives as a Standing Order requirement.

### **Certification by Parliamentary Counsel**

- 27 The draft regulations were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

### **Impact Analysis**

- 28 A Regulatory Impact Statement (RIS) was submitted at the time that Cabinet approval was sought on the policy relating to the Regulations [EXP-25-MIN-0043 and CAB-25-MIN-0124]. The Ministry of Business, Innovation and Employment's Quality Assurance panel reviewed the RIS and confirmed that it **meets** the criteria.

### **Climate Implications of Policy Assessment**

- 29 The Ministry for the Environment has confirmed that a Climate Implications of Policy Assessment is not required.

## Publicity

- 30 The Electricity (Hazards from Trees) Amendment Regulations 2026 will be notified in the New Zealand Gazette.
- 31 I intend to issue a press release to highlight the changes to the regulations and communicate the Government's decision to stakeholders and the public.

## Proactive release

- 32 I propose to proactively release this Cabinet paper subject to any necessary redactions. This would be done within 30 business days following confirmation of Cabinet's decisions.

## Consultation

- 33 The Treasury, Ministry of Justice, Ministry for Primary Industries, Ministry for the Environment, Ministry for Regulation, Department of Conservation, Te Puni Kōkiri, Infrastructure Commission, Commerce Commission and WorkSafe New Zealand were consulted on the development of the policy proposals.
- 34 New Zealand Forest Owners Association, New Zealand Forest Managers, New Zealand Carbon Farming Group, New Zealand Farm Forestry, Federated Farmers, Beef + Lamb New Zealand Ltd, the Tree Arbitrator, the New Zealand Arboricultural Association, Electricity Networks Aotearoa, Transpower, CNI Iwi Land Management Limited, Te Awahōhonu Forest Trust, Ngā Pou a Tāne, Tātaraakina C Trust, Ngāti Awa Group Holdings Limited, Ngāti Porou Civil Defence Council, Ngā Waihua o Paerangi Trust, the Federation of Māori Authorities, Ngāi Tahu, and Ngāpuhi were also consulted on the exposure draft of the Electricity (Hazards from Trees) Amendment Regulations 2026.

## Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **Note** that on 14 April 2025 [EXP-25-MIN-0043 and CAB-25-MIN-0124] Cabinet agreed:
- 1.1 to give lines owners the power to require a tree owner to remove a tree if:
- 1.1.1 the tree is within 24 metres of either side of the Growth Limit Zone (GLZ); and
- 1.1.2 the tree is within fall distance of the line; and
- 1.1.3 the lines owner has assessed the tree as being a high treefall hazard or a moderate treefall hazard; and
- 1.1.4 the lines owner has issued a treefall hazard notice to the tree owner;

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- 1.2 that trees or vegetation planted within 24 metres either side of a line on land in non-urban areas, that is not already forest land, must have an expected mature height lower than the distance from the line to the tree or vegetation;
- 1.3 that lines with a voltage of 11kV or less that have spans of less than or equal to 150 metres in non-urban areas become subject to the 'clear to the sky' extension to the GLZ;
- 1.4 to remove the following requirements for lines owners (and the associated offence for failing to comply):
  - 1.4.1 to provide required information to each consumer who is provided with line function services by the lines owner through written notice;
  - 1.4.2 to publish required information in the news sections of two separate editions of each newspaper that is widely read by consumers provided with lines function services by that lines owner;
- 2 **Note** that the Electricity (Hazards from Trees) Amendment Regulations 2026 will give effect to the decisions referred to in recommendation 1 above;
- 3 **Note** Cabinet authorised the Minister to make decisions consistent with the decisions above on any issues that arise during drafting and on minor or technical issues as required;
- 4 **Note** that, in line with my delegated authority noted in recommendation 3, I have made decisions to:
  - 4.1 clarify Transpower will only have to assess the likelihood of treefall for transmission lines;
  - 4.2 increase the arbitration window from 5 to 10 working days;
  - 4.3 add exposure to high winds as a factor for risk assessments;
  - 4.4 confirm that lines owner not obliged to pay for the first cut and trim if a tree is planted in contravention of the Low Height Planting Zone (LHPZ) rules (i.e. the tree is not low height);
  - 4.5 confirm that a lines owner is not obliged to pay for a first cut and trim or removal of a tree under the Treefall Hazard Notice if the tree is self-sown and growing in contravention of LHPZ rules (i.e. the tree is not low height);
  - 4.6 clarify that the definition of tree removal under the Treefall Hazard Notice proposal does not include the removal of the tree roots;
- 5 **Authorise** the submission to the Executive Council of the Electricity (Hazards from Trees) Amendment Regulations 2026;



- 6      **Note** that the Electricity (Hazards from Trees) Amendment Regulations 2026 will come into force on 23 July 2026.

Authorised for lodgement

Hon Simeon Brown

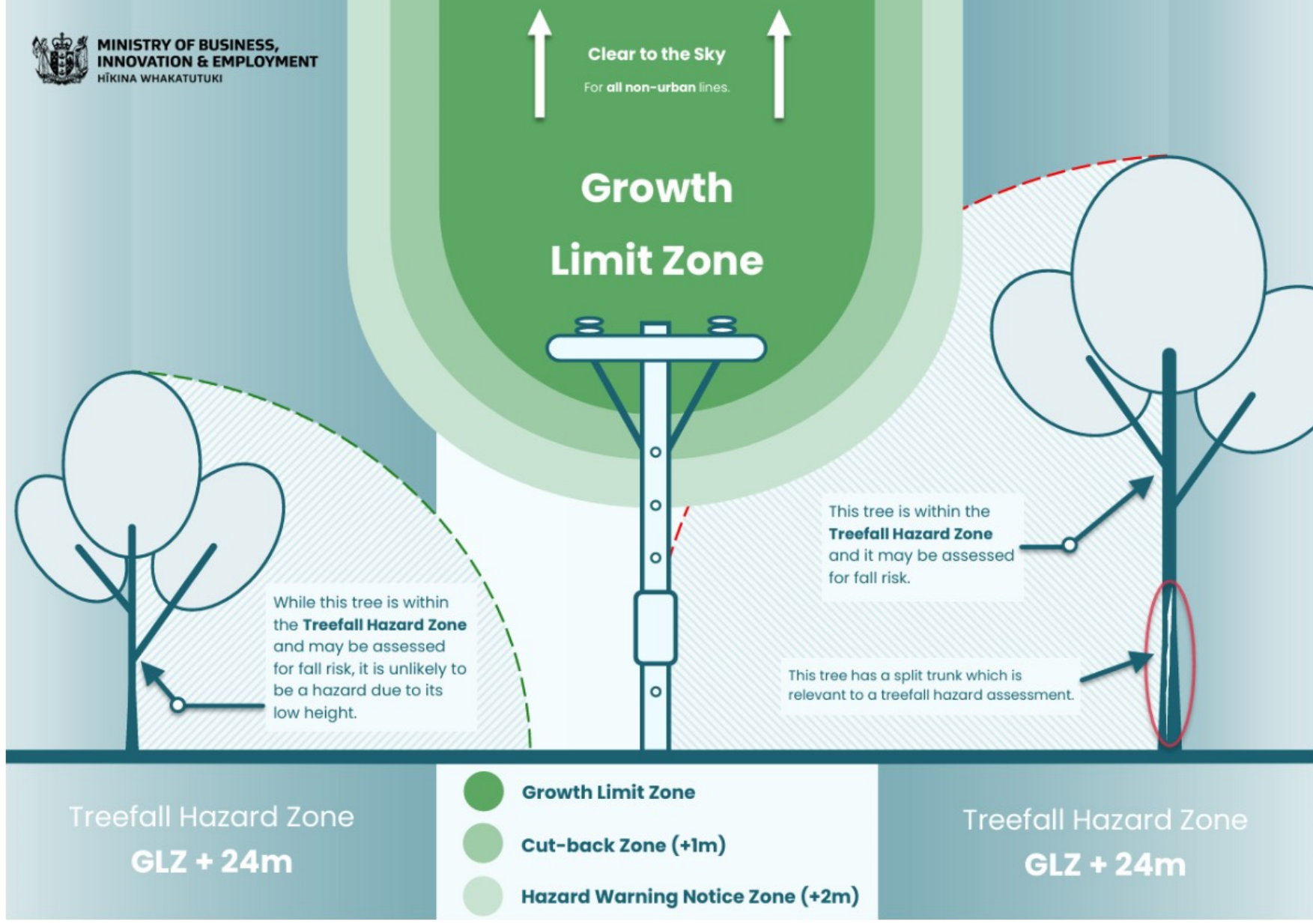
Minister for Energy

### **Appendices**

Appendix 1: Infographic detailing new power to remove existing hazardous trees

Appendix 2: Infographic detailing restriction on new planting near lines

Appendix One: Infographic detailing new power to remove existing hazardous trees



## Appendix Two: Infographic detailing restriction on new planting near lines

