**Submission template**

**Consultation on the review of the Electricity (Hazards from Trees) Regulations 2003**

This is the submission template for responding to the consultation document on the review of the Electricity (Hazards from Trees) Regulations 2003. The Ministry of Business, Innovation and Employment (**MBIE**) seeks your comments by **5pm on Wednesday, 19 April 2023**.

Please make your submission as follows:

1. Fill out your details under the “Your name and organisation” heading and, if applicable, check the boxes underneath on privacy and confidentiality.
2. Fill out your responses to the discussion document questions in the table: “Responses to consultation document questions”. Your submission may respond to any or all of the questions. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples. If you would like to make other comments not covered by the questions, please provide these in the “Other comments” section.
3. Before sending your submission:
	1. delete this first page of instructions; and
	2. if your submission contains any confidential information, please:
* State this in the cover page or in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (**OIA**) that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the OIA.
* Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
1. Submit your submission by:
2. emailing this template as a Microsoft Word document to HazardsFromTrees@mbie.govt.nz; or
3. mailing your submission to:

Ministry of Business, Innovation and Employment

15 Stout Street

PO Box 1473, Wellington 6140

Attention: Offshore Renewable Energy Submissions

Please direct any questions that you have in relation to the submissions process to HazardsFromTrees@mbie.govt.nz.

**Release of Information**

Please note that submissions are subject to the OIA and may, therefore, be released in part or full. The Privacy Act 2020 also applies. MBIE intends to publish a summary of submissions on our website at [www.mbie.govt.nz](http://www.mbie.govt.nz). Should any part of your submission be included in the summary of submissions, MBIE will seek your permission to publish your information, and ensure it does not refer to any names of individuals.

**Submission on the review of the Electricity (Hazards from Trees) Regulations 2003**

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation** **(if applicable)** |  |
| **Contact details** |  |

**Release of information**

Please let us know if you would like any part of your submission to be kept confidential.

[ ]  I would like to be contacted before the release or use of my submission in the summary of submissions that will be published by MBIE after the consultation.

[ ]  I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because… [Insert text]

[To check the boxes above: Double click on box, then select ‘checked’]

# Responses to questions

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| --- |
| Context |
|  | Do you agree with the issues that MBIE has identified with the Trees Regulations? Why, or why not? |
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| Evidence on the current problem |

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| --- | --- |
|  | What considerations do you believe the Trees Regulations should have in respect to Te Tiriti o Waitangi? |
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|  | Do you think that the Trees Regulations should restrict the distance in which new trees can be planted or replanted in proximity to electricity lines? |
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| --- |
| Other relevant information  |

|  |  |
| --- | --- |
|  | Arguably the judgement in Nottingham Forest Trustee Ltd v Unison Networks Ltd has decisively clarified the responsibility for managing the fall line risk outside of the GLZ. Do you agree, and if so, is further government intervention necessary to address this risk? |
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| --- |
| Primary issues and options analysis |
|  | Do you agree with our preferred objectives of the Regulation, why or why not?  |
|  |
|  | Do you agree with our policy assessment criteria, why or why not? |
|  |
| Issue 1: How should vegetation risks outside the GLZ be managed? |
|  | What are your thoughts on extending the GLZ to cover a larger area, what would be the appropriate distance for the extension and how might this affect you? |
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|  | Would a ‘likely to interfere with’ approach work if ‘likely interference’ were clearly defined and limited in the regulation? What would this look like to you? |
|  |
|  | Would a ‘likely to interfere with’ approach work if combined with a risk-based approach? |
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|  | What is your preferred option out of the options proposed by MBIE for issue 1? Are there any options you would recommend that have not been considered?  |
|  |
| Issue 2: How can the Trees Regulations prevent the over-trimming of hazardous vegetation, which can result in unnecessary diminution of economic or amenity value? |
|  | How do you think a risk-based approach in the Regulation to managing vegetation could be implemented and enforced? |
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|  | What do you think are the most important aspects to include in a risk-based approach methodology? Are there any additional issues that you think should be considered? |
|  |
|  | Do you agree with our view to include the consideration of fire risk in a risk-based approach to vegetation risk, why or why not? |
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|  | What is your preferred option out of the options proposed by MBIE for issue 2, are there any options you would recommend that have not been considered?  |
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|  | Do you have any feedback on the Tree Regulations obligation on works owners to remove danger to persons or property from trees damaging conductors? |
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| Issue 3: How should the Regulation balance the responsibility of vegetation owners and works owners?  |
|  | Do you agree with MBIE’s view that responsibility to identify risks sits best with works owners? |
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|  | Do you agree with MBIE’s view that the allocation of the first cut or trim should remain with improvements to its application, and why or why not? |
|  |
|  | Is there a way to apply the notice system at a higher level than the individual tree?  |
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|  | What is your preferred option out of the options proposed by MBIE for issue 3, are there any options you would recommend that have not been considered?  |
|  |
| Issue 4: What should be the process for works owners to access vegetation on private land? |
|  | What is your preferred option out of the options proposed by MBIE for issue 3? Are there any options you would recommend that have not been considered?  |
|  |
| Issue 5: How should disputes between vegetation and works owners be resolved? |
|  | What is your preferred option out of the options proposed by MBIE for issue 4, are there any options you would recommend that have not been considered?  |
|  |
| Offences and penalties |
|  | Do you consider that ongoing penalties are a useful element of the current regulatory regime? |
|  |
| Arrangements for monitoring, evaluation and review |
|  | Do you have any comments on our proposals for monitoring, evaluating and reviewing the Trees Regulations, for example when a review of the new Trees Regulations should occur? |
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| Additional feedback |
|  | Do you have any additional feedback that you would like to provide on the regulation or the options we have proposed? |
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