Ministry for the Environment
Manatū Mō Te Taiao

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Interim Regulatory Impact Statement: Amendments to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Decision sought	This Interim Regulatory Impact Statement has been prepared for public consultation on proposed changes to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (**NES-TF**) in 2025. This accompanies a Cabinet paper on these proposals.
Agency responsible	The Ministry of Business, Innovation and Employment (**MBIE**) and the Ministry for the Environment (**MfE**).
Proposing Ministers	Hon Chris Bishop, Minister Responsible for RMA Reform and Minister for Infrastructure. Hon Paul Goldsmith, Minister for Media and Communications.
Date finalised	16 April 2025

Brief description of the Ministers' regulatory proposal

Ministers propose to consult on amendments to NES-TF as part of Phase 2 of the Resource Management Act (**RMA**) National Direction programme. The Ministers' and agencies' preferred option is Option 2, to consult on both:

a. updating the technical standards for telecommunication facilities currently permitted by NES-TF, to better reflect current technology and the built environment, and

b. expanding the scope of NES-TF to permit a range of new low impact telecommunication facilities in more areas, to support broader objectives on housing and infrastructure growth that are in the public interest.

These changes to NES-TF would enable greater efficiency in the deployment of telecommunications infrastructure. This would help to ensure that telecommunication services can meet the connectivity needs of New Zealand households and businesses.

Summary: Problem definition and options

What is the policy problem?

NES-TF permits telecommunication providers to install and operate a range of low impact telecommunication facilities (eg antennas, cabinets, poles, telecommunication lines) in some locations without needing to seek a resource consent. The current rules in NES-TF are too restrictive and do not cover certain low impact telecommunication facilities. This is resulting in the inefficient deployment of telecommunications infrastructure.

This problem has worsened in recent years, as NES-TF has not kept pace with significant changes in technology and the built environment. For example, the deployment of 5G mobile services require larger antennas and cabinets that are not currently supported through NES-TF. Taller permitted buildings – particularly in residential zones – mean antennas need to be located higher on poles and buildings than NES-TF currently permits, to provide and retain network coverage.

Where a new or upgraded telecommunication facility is not permitted by NES-TF, telecommunication providers are required to obtain resource consents. Councils that issue resource consents have adopted varied approaches to telecommunication facilities, with some adopting much more restrictive policies to manage visual and aesthetic effects. This is resulting in uncertainty, complexity, significant costs and delays for deploying telecommunications infrastructure and services. Even in situations where an RMA plan (district, regional or unitary plans) permits a telecommunication facility, if it does not comply with the permitted activity standards in NES-TF, then it still requires a controlled activity resource consent.

Overall, these issues are impacting the ability of telecommunication providers to meet the needs of New Zealand's increasingly digitised economy. These inefficiencies mean that telecommunication providers may forgo or delay investment in new or upgraded telecommunications infrastructure (eg 5G mobile services, resilience enhancements or improvements to rural connectivity). Limitations on pole heights in NES-TF and district plans is increasing the likelihood of black spots and connectivity disruptions. Telecommunication providers are also likely to pass on consenting costs through their charges to customers, resulting in cost-of-living implications for consumers.

What is the policy objective?

The primary objective is to update NES-TF so it supports efficient deployment of low impact telecommunication facilities that meet the needs of New Zealand households and businesses. The focus on enabling *low impact* telecommunication facilities aligns with the original policy intent of NES-TF and aims to ensure effects on the environment continue to be appropriately managed.

To assess whether the regulatory proposals have addressed the policy problem and achieved the objectives, we would expect to see a decrease in the number of new or upgraded telecommunication facilities requiring resource consents. This is because more low impact activities would be permitted by NES-TF. This decrease would be observed in the record of resource management consents publicly available on MfE's website. It would result in reduced consenting and planning costs incurred by telecommunication providers. While we anticipate that changes to NES-TF would apply downward pressure on prices for consumers, it is not possible to accurately predict or measure this.

We would expect to see more rapid deployment of new or upgraded telecommunication facilities (eg building new facilities to provide coverage, extending the 5G mobile network, battery upgrades, improvements to rural connectivity). Note however that the network benefits cannot be accurately quantified. Estimates provided by the telecommunications sector are indicative only and vary according to future network development. Telecommunication providers are private companies and have network build plans that are primarily driven by commercial feasibility, meaning they may change based on a range of factors.

What policy options have been considered, including any alternatives to regulation?

The policy mandate from Cabinet in June 2024 was to make changes to NES-TF [CAB-24-MIN-0246 refers], and so non-regulatory options (such as guidance for councils, voluntary standards, or global consents) were not considered. Non-regulatory options would also be unlikely to address the problem definition, as these alternatives would rely on many councils voluntarily undertaking a full RMA plan change process to incorporate the necessary changes.

Status quo

Under the status quo, telecommunication providers would continue to rely on obtaining resource consents for a range of low impact telecommunication facilities not covered by NES-TF. This will continue to result in costs, delays and uncertainty of outcome from resource consent processes. Telecommunication providers will also continue to rely on the adequacy of RMA plans to support efficient deployment of low impact telecommunication facilities, devoting time and resources to seeking changes to these plans for more permissive rules. Even where a regulated activity is permitted by an RMA plan, if it is not permitted by NES-TF it would still require a controlled activity resource consent.

In some cases, providers may opt to comply with NES-TF activity standards to avoid the need for a resource consent. This may result in sub-optimal design choices for the location and design of new or upgraded telecommunication facilities. For example, new poles may not be high enough in the built or natural environment to retain coverage. Telecommunication providers would need to build several new poles to provide coverage to an area, whereas one pole in the optimal location at sufficient height would more efficiently meet operational need.

These inefficiencies would not adequately support telecommunication providers to deploy or upgrade low impact telecommunication facilities, deterring or slowing improvements to services (such as extending the 5G mobile network, battery upgrades for resilience, or rural connectivity improvements). Telecommunication providers would likely pass on the increased costs of these inefficiencies to New Zealand households and businesses.

Option 1 – Update the existing permitted activity standards

Option 1 proposes to consult on a range of updates to the technical standards for telecommunication facilities currently permitted by NES-TF, to better reflect current technology and the built environment. These include:

a. *Increasing the permitted height for antenna on poles and buildings*. Changing the basis for permitted pole heights to allow for taller poles would help address coverage gaps caused by the built or natural environment (such as trees and shelter belts).

b. *Increasing the maximum allowable antenna dimensions and updating headframe rules*. This would support the deployment of newer technologies (such as extending the 5G mobile network), and enhancements to resilience and rural connectivity.

c. *Increasing cabinet sizes and amending the cabinet grouping rules*. This would permit telecommunication cabinets to be larger and closer together – enabling storage of larger batteries to enhance network resilience, new technologies with larger equipment and greater co-location of multiple facility operators.

Option 2 – Expand the scope of NES-TF to permit new low impact telecommunication facilities and apply in more areas

Option 2 would consult on the proposed amendments in Option 1, as well as expanding the scope of NES-TF to permit more types of low impact telecommunication facilities and apply NES-TF to more areas. This includes:

a. *Permitting the installation of new poles anywhere in the road reserve.* This would remove the rule that new poles in the road reserve must be within 100 metres of existing poles in the road reserve. This rule impedes network design and delays deployment of telecommunication facilities in the road reserve, especially for new housing developments and rural areas without existing nearby poles.

b. *Permitting the installation of new poles outside of the road reserve in commercial, industrial, local centre, mixed-use and neighbourhood zones*. Enabling new poles to be built more easily in these zones will support more efficient deployment of telecommunications infrastructure in and around areas we expect to see greater housing intensification.

c. *Introducing new standards for temporary telecommunication facilities*. This will support network resilience and enable telecommunication providers to deploy temporary telecommunication facilities in specific situations, including emergencies.

d. *Introducing new standards for renewable electricity generators in rural zones*. This will help to support network resilience, rural connectivity and New Zealand's emissions reduction targets.

e. *Introducing new standards permitting customer connection lines to heritage buildings*. Proposed new standards would reduce potential cost barriers to install fibre broadband to heritage buildings.

Both options include further technical amendments and definition changes to give effect to these changes.

Preferred option

Officials' preferred option is to consult on changes to NES-TF proposed in Option 2, which is reflected in the Cabinet paper on the Phase 2 of the RMA National Direction work programme.

Option 2 would support greater efficiency in deploying or upgrading more types of telecommunication facilities in more locations without the need for resource consent. This would speed up necessary upgrades, enabling telecommunication providers to meet the connectivity needs of more New Zealand households and businesses. It would also significantly reduce consenting costs. Option 2 would better enable telecommunication providers to upgrade their networks to support housing growth, whether this involves building new facilities to service new housing developments or upgrading existing facilities to enhance network performance in areas that are intensifying. Option 2 also provides new standards for a range of increasingly important connectivity solutions – including temporary telecommunication facilities and renewable electricity generators – to improve network resilience and rural connectivity.

What consultation has been undertaken?

Between August and September 2024, MBIE officials undertook targeted engagement with key stakeholders on potential changes to NES-TF. These included a wide range of

representatives, from telecommunication providers, local government and other resource management practitioners (including members of the New Zealand Planning Institute). MBIE and MfE also continue to engage routinely with a working group established by the New Zealand Telecommunications Forum (**TCF**). Officials have provided an overview of NES-TF proposals to some Post Settlement Governance Entities (**PSGEs**). Officials have also sought further engagement with several Māori representative groups but have not yet received responses to engage specifically on NES-TF.

All stakeholders that officials have engaged with expressed views that elements of NES-TF are overly restrictive, out of date, and no longer reflect technological and built environment developments since the regulations were last reviewed in 2016. Telecommunication providers presented a range of case studies where the current NES-TF is inadequate and over-reliance on resource consent processes is resulting in significant costs and delays in deploying telecommunications infrastructure.

The proposed changes to NES-TF considered in this impact assessment have been informed by proposals from the telecommunications sector. We anticipate that most telecommunication providers will support the preferred option to consult on the broader changes to NES-TF in Option 2. Some telecommunication providers are likely to suggest these changes do not go far enough, as they would like to see new telecommunication facilities permitted in more areas (eg outside of the road reserve in residential zones and open space zones, or protected areas in RMA plans). However, permitting new facilities in these more environmentally sensitive areas may not be *low impact* and may constitute a significant shift away from the original policy intent of NES-TF. Under the RMA, National Environmental Standards (**NES**) are also not able to permit an activity that would have significant adverse environmental effects.

This interim impact assessment is to inform decisions to publicly consult on proposed changes to NES-TF. This public consultation process will provide an opportunity to further assess the impacts of proposals.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

Yes

Summary: Ministers' and agencies' preferred option in the Cabinet paper

Costs (Core information)

Monetised costs

Small transitional costs – Officials anticipate there will be some relatively small, one-off transitional costs to central and local government from the proposed changes to NES-TF, as well as to telecommunication providers. We will seek further information from local government and telecommunication providers through consultation, to estimate these costs.

Possible increase in monitoring and enforcement costs to councils – With the proposed changes to NES-TF permitting more activities through NES, councils may spend more to

monitor and enforce NES-TF. Councils can recover these costs from ratepayers or directly from telecommunication providers (where permitted to do so under the RMA).

Non-monetised costs

Possible visual effects – Permitting larger telecommunication facilities through NES-TF and extending NES-TF to apply to other activities and locations may have some cumulative visual effects. These visual effects are likely to be felt most in parts of the country where RMA plans have less permissive rules for telecommunication facilities. Officials have been unable to quantify the scale of the visual effect from proposed changes to NES-TF. However, on balance we consider it is likely to be small compared to the status quo, given the focus on enabling *low impact* telecommunication facilities and the mitigations proposed to reduce visual and amenity effects (eg setbacks from buildings for new poles in some zones). All options considered also substantially retain protections in Subpart 5 of NES-TF which state that rules in RMA plans apply in certain environmentally significant areas. Officials consider that any minor visual effects would also be outweighed by the benefits of greater efficiency in deploying or upgrading telecommunication facilities, resulting in the delivery of better connectivity services to New Zealanders. This assessment of visual effects will be tested further through consultation.

Potential reduction in Māori iwi/hapū and community engagement – The proposed changes to NES-TF would reduce the ability of councils to require consultation with iwi/hapū and communities on telecommunication facilities. Under the status quo this could either occur through individual resource consent applications being notified or through amendments on rules for telecommunication facilities in a specific RMA plan. However, it is difficult to assess the extent to which the proposed changes to NES-TF would weaken iwi/hapū and community engagement. It is rare for councils to notify resource consents for telecommunication facilities (with just 24 recorded instances in the nine years between 2014/15 and 2022/23, 1.4 per cent of all applications). Furthermore, amendments proposed will substantially retain existing mechanisms that provide for local decision-making on telecommunication facilities in areas of greater environmental significance under Subpart 5 of NES-TF. This includes areas of cultural significance to Māori such as wāhi tapu. Public consultation on proposed changes to NES-TF will also provide an opportunity to seek further feedback from Māori iwi/hapū and communities.

Benefits (Core information)

Monetised benefits

Significant reduction in consenting costs – Proposed changes to NES-TF are expected to significantly reduce ongoing consenting and planning costs for the telecommunications sector. The sector estimates that the total reduced cost to them is likely to be between $50 and $100 million over the next decade.

Downward pressure on prices for consumers – The estimated savings to telecommunication providers have the potential to apply downward pressure on prices for consumers. However, it is not possible to accurately predict or measure this.

Reduced administrative costs for councils and therefore ratepayers – The proposed changes to NES-TF are expected to reduce overall complexity and burden for local government regulators. The proposed changes will reduce the costs for each council to update its RMA plan to reflect changes to telecommunications technology and the built environment. We do

not hold information estimating what these reduced costs are but will seek further information through public consultation.

Non-monetised benefits

More efficient deployment of telecommunication services – We anticipate that the reduced consenting and planning costs, as well as certainty of process and outcome for telecommunication providers, will speed up the roll-out of a range of upgrades to telecommunication facilities. This includes the roll-out of 5G mobile services to more locations around the country, battery upgrades for resilience, and rural connectivity enhancements. However, it is not possible to quantify these anticipated benefits as they vary according to the future network development.

Balance of benefits and costs (Core information)

Based on the information held, officials consider that the benefits of the proposed changes to NES-TF outweigh the costs. Officials estimate that the monetised costs to local government (ultimately met by ratepayers) through transitional costs, and monitoring and enforcement are likely to be offset by the reduced administrative costs incurred through the reduced need for RMA plan amendments. The benefits of reduced costs to telecommunication providers and greater efficiency in deploying or upgrading telecommunication facilities are also likely to outweigh the cost of any minor visual effects and potential reduction in community engagement. This assessment will be tested further through public consultation.

Implementation

Timeframes and process

Councils will primarily be responsible for implementing NES-TF changes into their RMA plans and for enforcing compliance. NES rules must be incorporated into plans as soon as practicable. NES-TF must be observed, whether councils have incorporated NES-TF rules into their plans or not. This means these NES-TF amendments will take legal effect 28 days after they are gazetted.

Officials estimated that the implementation costs for councils will be low and offset by the reduction in costs for RMA plan changes that would otherwise be needed under the status quo. Councils can recover implementation and enforcement costs through council rates, or directly from telecommunication providers (where permitted to do so under the RMA).

Implementation risks

The proposed changes to NES-TF look to substantially retain existing protections for Matters of National Importance in Section 6 of the RMA. Projects affecting those places are subject to the provisions of the relevant RMA plan, in accordance with Subpart 5 of NES-TF. Therefore, officials consider that the NES-TF proposals comply with requirements in Section 43A(3) of the RMA because we have sought not to progress any changes that would permit an activity with significant adverse effects of the environment. We will seek further feedback on this assessment through public consultation.

Lack of adequate monitoring and enforcement may increase non-compliance

The proposed changes to NES-TF will reduce council oversight over new or upgraded telecommunication facilities through the resource consent process.

There is currently an insufficient quality of information to assess council monitoring and enforcement capabilities. Through public consultation, we will seek feedback on how best to assess monitoring and enforcement from councils.

Limitations and Constraints on Analysis

Substantive changes to application of Subpart 5 areas not considered

Work on changes to NES-TF has been limited by timeframes set for the broader Phase 2 of the National Direction programme, which aims for changes to be implemented in 2025. These timeframes were noted by Cabinet in June 2024. As a result, officials have focussed on progressing changes to NES-TF that the telecommunications sector consider most urgent and where there is a relatively high degree of confidence that the potential environmental impact is low. This is in line with the original policy intent of NES-TF and Part 2 of the RMA. As a result, officials have not considered substantive changes to Subpart 5 of NES-TF.

Limited robust data on costs and benefits

Quantitative and qualitative information on costs and benefits of options to date has been gathered through consultation with the telecommunications sector, local government and RMA practitioners. Many of the costs and benefits have not been fully quantified because estimates provided by the telecommunications sector about anticipated benefits are indicative only and vary according to future network development. Most of the information on the costs of the status quo have been provided directly by the sector (eg the financial costs and delays incurred for resource consents). Where possible, this has been informed by MfE's resource management consents dataset which is publicly available on MfE's website. Furthermore, the environmental effects of the proposed changes and anticipated benefits of improved connectivity for New Zealanders have only been assessed in a qualitative way.

There is other evidence and research that support our assessment of the problems with the status quo. For example, a report produced in March 2023 by 4Sight Consulting (now called SLR Consulting) for the New Zealand Infrastructure Commission | Te Waihanga recommending amendments to the NES-TF noted and agreed with many of the problems with the current NES-TF.[1] Furthermore, an independent review of the rules relating to telecommunications pole heights in district plans indicates the wide variation in rules and lack of national consistency (see **Annex B** below for a summary of district plan rules relating to pole height when a new or replacement pole is outside the scope of NES-TF).

Proposed changes to NES-TF heavily informed by the telecommunications sector

The proposed changes to NES-TF have largely been informed by the telecommunications sector through targeted engagement. These proposals have been quality assured by government agencies and technical experts at SLR Consulting. Where possible, we have considered how other countries administer resource management regulations for telecommunication facilities. Consultation on the options will provide an opportunity to seek

1 Recommended amendments to the National Environmental Standards for Telecommunication Facilities 2016 (March 2023) prepared by 4Sight consulting, part of SLR, for Te Waihanga.

feedback on the proposed changes to NES-TF and assess any other viable amendments to NES-TF that would address the problems identified.

Limited engagement with Māori iwi/hapū and communities

To date, there has been limited feedback from engagement with Māori iwi/hapū and communities to test our initial assessment of the impacts of proposed NES-TF changes, and to inform the development of policy options. As a result, there may be additional costs or risks associated with implementing proposals. Public consultation will provide an opportunity to seek feedback from Māori and the public on proposed changes to NES-TF.

Overall, there are not any significant limitations on the analysis at this stage. We need to seek further feedback to test our analysis and options through public consultation.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:

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16 April 2025

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16 April 2025

Quality Assurance Statement

Reviewing Agency: MfE	**QA rating:** Partially Meets

Panel Comment:

A quality assurance panel with members from Ministry for the Environment's delegated Regulatory Impact Analysis Team has reviewed the Regulatory Impact Statement. The team assessed this using assessment criteria (complete, convincing, clear & concise, and consulted), for all relevant sections of the report. The team considers that all its feedback was addressed and therefore it meets the Quality Assurance criteria. This is a partially meets because the consultation phase has not yet been complete. Please note that we have not

reviewed the interim Treaty Impact Assessment that has been undertaken alongside the RIS (refer page 20 of the RIS).

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. Telecommunications networks are critical national infrastructure that underpin most aspects of socio-economic activity. These networks are essential to conduct business, operate other critical national infrastructure and deliver key services such as education, health, finance and government services. Telecommunication providers are also lifeline utilities under the Civil Defence and Emergency Management Act 2002,[2] given telecommunications networks are critical in emergencies and support better public health and safety outcomes.

Background to NES-TF

2. NES-TF was introduced in 2008 under the RMA as secondary legislation. The regulations permitted telecommunication providers to install and operate a limited range of low-impact telecommunications infrastructure in road reserves without needing to seek a resource consent, provided it complied with relevant standards. NES-TF also aimed to ensure the effects of telecommunication facilities on the environment were managed appropriately. The establishment of NES-TF recognised the growing reliance that New Zealanders had on high-performing and resilient telecommunication services.

3. A review of NES-TF in 2013 found that it had not kept pace with technological changes in the rapidly evolving telecommunications landscape and did not enable improvements in rural connectivity. NES-TF was subsequently updated in 2016, permitting a wider range of low impact telecommunication activities both inside and outside of the road reserve. The 2016 NES-TF supported the Government's Ultra-Fast Broadband (**UFB**) programme, Rural Broadband Initiative and Mobile Black Spot Fund programmes. The changes enabled the installation and operation of new poles in rural zones outside of the road reserve and updated some of the standards to ensure they reflected the current technology. As part of MfE's approach to maintaining regulatory tools, it aims to conduct evaluations of regulations on a roughly five-yearly basis. NES-TF is overdue to be reviewed and updated.

How NES-TF works

4. The component parts of telecommunication facilities that are regulated activities through NES-TF include installation and operation of antennas, cabinets, poles, and telecommunication lines (ie fibre and copper cables). Regulated activities under NES-TF are permitted (ie do not require a resource consent) where they comply with the activity standards. Where a regulated activity does not comply with NES-TF, and the RMA plan says the activity is permitted or controlled, the activity defaults to controlled status. A council can regulate beyond a controlled activity status (eg whether it is a restricted discretionary, discretionary or non-complying activity) and impose conditions within the parameters of the RMA.

5. Subparts 5 and 6 of NES-TF specifies areas where the district or regional plans applies in relation to installing and operating telecommunication facilities. Subpart 5 is largely premised on the *Matters of National Importance* identified in Section 6 of the RMA. Subpart 5 covers significant trees, historic heritage places (including wāhi tapu), significant habitats for indigenous vegetation and fauna, outstanding natural features or

[2] See Schedule 1 Lifeline Utilities, Part A, Specific Entities, Civil Defence and Emergency Management Act 2002.

landscapes, places adjoining coastal marine areas, rivers and lakes. Subpart 6 requires earthworks to be carried out in accordance with the relevant regional earthworks rules for regulated activities under NES-TF. Unlike other Section 6 matters, regulated activities in NES-TF are not subject to any natural hazard district plan rules (as per Regulation 57 in NES-TF) to recognise the provider is better placed to make decisions relating to natural hazard risk than councils.

6. The approach to apply local rules for regulated activities in some places provides for local decision-making in areas afforded protection in district and regional plans. This means NES-TF does not direct planners and decision-makers as to how to manage those environments. RMA plans are considered the best documents to identify these sites and apply planning rules to manage any adverse effects.

Key challenges with the status quo

7. Officials have engaged with the telecommunications sector which has identified the following key challenges with the status quo.

NES-TF is not keeping pace with changes in technology to meet New Zealanders' needs

8. There are increasing expectations from New Zealanders on the performance of telecommunications networks in terms of coverage, capacity and speed. Households and businesses expect fast and reliable connectivity in both developed and rural areas, including new housing developments. However, NES-TF does not support several substantive and ongoing network upgrades. For example, the rollout of 5G mobile technology requires a larger permitted notional envelope for antennas and larger cabinets than those currently permitted by the NES-TF. Furthermore, the activity standards for cabinets means that there is not enough space for new equipment, including back-up batteries for resilience. Under the status quo, telecommunication providers will continue to need to seek resource consents for every individual telecommunication facility upgrade not currently permitted by NES-TF.

NES-TF is not keeping pace with a changing built environment

9. Towns and cities in New Zealand are continuing to intensify as part of local and central governments' plans for housing. For example, the Medium Density Residential Standards (**MDRS**) introduced in 2022 permit taller three-storey buildings in specified residential zones without the need for a resource consent. However, permitted building heights in some zones (including medium density residential zones) often exceeds the permitted height of telecommunication poles under NES-TF or RMA plans. While changes are underway to make the MDRS optional, taller buildings will continue to be enabled by existing use rights and some councils will choose to retain the MDRS settings. If residential buildings are taller than telecommunication poles, connectivity black spots and disruptions are likely to continue or worsen.

Resource consents are increasingly being required for a range of low impact telecommunication facilities

10. Telecommunication providers have ambitious network build programmes to deploy new and improved telecommunication services over the next five to ten years. However, NES-TF only enables telecommunication providers to replace existing poles and build new poles in the road reserve within 100 metres of another pole, or outside of the road reserve in a rural zone. This means telecommunication providers must obtain resource consents for each new pole outside of these areas. This includes many areas already subject to

development where the impact of a new pole is considered low, such as commercial, industrial and mixed-use zones.

What is the policy problem or opportunity?

Overarching problem: NES-TF rules are too restrictive and no longer support efficient deployment of telecommunication infrastructure, impacting the delivery of connectivity to New Zealanders

11. The current rules in NES-TF are too restrictive and do not permit a range of low impact telecommunication facilities. This is resulting in inefficient deployment of telecommunications infrastructure. This problem has worsened in recent years, with NES-TF not keeping pace with significant changes in technology and the built environment. This has come at a time where our dependence on telecommunication networks has increased even more since the last review of NES-TF in 2016. Several examples of how NES-TF are too restrictive are discussed below.

Impact One: NES-TF does not enable a range of telecommunications technologies and upgrades

12. NES-TF has not kept pace with technological changes. As a result, telecommunication providers are often required to obtain resource consents for minor upgrades to their facilities. The additional costs and delays in the planning phase are hindering the delivery of major builds and upgrade programmes, and impacting the delivery of new and upgraded connectivity to New Zealanders. For example:

    a. ***5G mobile services*** require a larger permitted notional envelope for antennas and larger cabinets than what is currently permitted through NES-TF. 5G technology also requires more antennas (or small cells) because it has a shorter range, especially in more densely populated areas. This means telecommunication providers need to build more telecommunication facilities to expand 5G coverage. However, NES-TF does not enable telecommunication providers to build new poles in a range of low impact areas (ie commercial, industrial and mixed-use zones).

    b. ***Battery upgrades*** are constrained by limits on cabinet sizes and placement in NES-TF. Larger batteries support enhanced telecommunications resilience. Currently, telecommunication providers need to obtain resource consents for each battery upgrade, reducing incentives to enhance resilience.

    c. ***Renewable energy generators***. There are no standards in NES-TF to enable the construction and operation of renewable electricity generators. These facilities are important as they support rural connectivity, providing an energy solution for off-grid telecommunication facilities in remote locations and provide energy back-up for enhanced resilience.

    d. ***The installation of customer connections lines (ie fibre broadband) to heritage buildings*** must be carried out in accordance with historic heritage rules in RMA plans. These rules vary between RMA plans and are subject to different levels of restriction. The sector considers that this is costly, inefficient and constitutes a barrier to fibre broadband access. This means those living in heritage buildings or businesses operating from them may not receive the benefits of high-quality digital connectivity.

13. The status quo also makes it more difficult for telecommunication providers to purchase and develop nationally consistent assets (eg poles, cabinets, and antennas) and plans. This is because providers must prepare bespoke designs for each site to meet the

permitted standards in each RMA plan. This drives up manufacturing, planning and construction costs. It is particularly problematic for nationwide telecommunication operators such as the mobile network operators (**MNOs**) and the Tower Companies (**TowerCos**).

Impact Two: NES-TF does not enable antennas to be installed high enough, increasing the risk of black spots and connectivity disruptions

14. Currently pole height limits in NES-TF are tied to the height of existing poles, which often do not provide sufficient height to maintain coverage over taller buildings. For example, height limits for new poles permitted in the road reserve are linked to the height of existing nearby poles within 100 metres (including mobile towers, streetlights and other poles). The MDRS and the Government's housing intensification initiatives mean some taller buildings are impacting the antenna coverage on existing poles. Approximately one third of district plans state that poles of over 10 metres in the road reserve adjoining a residential zone are not a permitted activity, despite the MDRS enabling building heights of between 11 and 12 metres for three-storey buildings.

15. For telecommunication providers to comply with NES-TF, they either need to build more smaller poles to maintain coverage, pursue lease arrangements to place antennas on buildings, or obtain a resource consent for each pole. We have heard from the telecommunications sector that building additional towers for the same area or placing antennas on buildings to maintain coverage is significantly increasing costs and in some cases, becoming uneconomic. The telecommunications sector has advised officials that poles need to be at least five metres taller than surrounding buildings, trees, or other structures to maintain adequate coverage, with space for additional antennas used for sharing the mast to accomodate growth.

16. Rural areas also experience coverage issues due to the current pole height limits. NES-TF currently permits the installation and operation of new poles outside of the road reserve in rural zones up to 25 metres high. The telecommunications sector has indicated that this needs to increase to 35 metres to address coverage obstacles resulting from topography, and overgrown shelter belts and trees. The sector has also indicated that this height limit in rural zones should be the same for poles in the road reserve. Currently, building new poles in the road reserve in rural zones is difficult as it must be within 100 metres of an existing pole in the road reserve that is high enough. Furthermore, the maximum diameter of dish antennas in NES-TF does not support the installation of larger dish antennas to increase the distance a signal can be sent. This is particularly relevant for remote sites without fibre backhaul.

17. The current limits on pole heights increase the risk of black spots and connectivity disruptions. Telecommunication providers have indicated that this is happening much more frequently now, particularly in and around residential areas. These disruptions have public health and safety implications, given the public's need for connectivity. For example, most New Zealanders rely on terrestrial mobile coverage to contact emergency services.[3] While MNOs have plans to introduce satellite-to-cell services in the coming years, it is not clear to what extent these services will meet consumers' needs, be

[3] In 2010, nearly two thirds of emergency calls were made from mobile phones, and by 2023 this has increased to nearly 90 per cent of emergency calls. With the withdrawal of copper line services expected to occur over the next five years, we anticipate this trend to continue to increase.

available on most devices, or provide adequate coverage for mobile black spots from terrestrial-based networks.

Impact Three: NES-TF may contribute to several perverse outcomes with adverse environmental effects

18. The existing rules around pole heights may also contribute to an increased risk of radiofrequency exposure if a building is erected too close to antennas, in some cases resulting in segments of antennas on a site needing to be switched off. This results in a temporary loss of coverage until an alternative viable site to install antennas can be found. Enabling antennas to be located higher than the surrounding built environment – on either poles or buildings – would significantly reduce this risk.

19. NES-TF and approximately half of district plans do not support telecommunication providers to co-locate their equipment on the same pole in the same group of cabinets, due to a combination of pole height and cabinet rules. This creates a perverse incentive that encourages providers to deploy multiple shorter poles in the same area, rather than encouraging providers to co-locate antennas on the same pole. The restrictive height and cabinet rules could result in more adverse effects on the environment than a permissive approach, as the status quo requires more materials (eg steel), earthworks for several facilities where there could be one site, and more visual and amenity effects.

Impact Four: NES-TF could hinder the Government's plans for housing growth

20. Telecommunication facilities provide critical services for housing, businesses and other infrastructure, and so it is generally expected that these services will be available when new housing developments are completed. However, the current settings contribute to delays in rolling out or upgrading telecommunication facilities in a timely way. For example, current limits in NES-TF on constructing new poles in the road reserve within 100 metres of existing poles contribute to delays in deploying telecommunication facilities for new housing developments.

Evidence of the problem and its impacts

21. Telecommunication providers have become increasingly reliant on RMA plans and resource consents to deploy or upgrade telecommunications facilities on a site-by-site basis. While technological or environmental conditions have changed, NES-TF has not. As a result, councils have been required to develop their own plan rules to fill the regulatory gaps. Across the country, a decentralised approach for low-impact facilities is increasing variation and duplication of RMA plan rules and planning practice.

Evidence of variation and restrictive rules in RMA plans

22. The variation between and restrictive nature of rules in many district plans is demonstrated in the table in **Annex B**. This provides an overview of varied rules in relation to pole heights. Many district plans have taken different approaches to mitigate the visual effects of telecommunication poles, leading to fragmented rules, many of which are overly restrictive. Out of the 66 district plans assessed where the NES-TF regulated activity standards are not met:

    a. only about 40 per cent of plans permit poles greater than 15 metres in the road reserve in residential zones, despite the MDRS permitting buildings up to 12 metres in height and some high-density residential areas permitting up to 22 metres.

b. only five per cent of plans permit poles up to 35 metres in or outside of the road reserve in rural zones, relying mostly on NES-TF's 25-metre pole height rule, despite often needing additional height to provide coverage in rural areas over trees and shelter belts – particularly in flat areas like the Canterbury Plains.

c. only about 20 percent of plans permit poles up to 25 metres in or outside of the road reserve in commercial zones, despite taller buildings being built in these zones and the environmental impact of poles in these areas being considered low.

d. nearly 60 percent of plans permit poles up to 25 metres in or outside of the road reserve in industrial zones.

23. Where a taller pole is permitted by an RMA plan, if it is a regulated activity but does not adhere to NES-TF standards, then the activity status defaults to a controlled activity. Councils must grant resource consents for controlled activities, but this nonetheless results in added costs and delays for telecommunication providers building or upgrading facilities.

24. Where activities are not permitted by NES-TF or an RMA plan, they generally require either a restricted discretionary or discretionary resource consent. The telecommunications sector has advised that in many cases around the country, it is able to obtain resource consents with minimal changes to a proposed facility. These resource consents are rarely notified and subject to consultation with affected communities. However, the resource consent process adds significant costs and delays in deploying or upgrading telecommunication facilities. Furthermore, more restrictive RMA plans mean that telecommunication providers are compromising on the operational design of a facility to increase the likelihood of being granted a resource consent.

Evidence of significant consenting and planning costs for telecommunication facilities

25. TowerCos and MNOs have told officials the average cost for a non-notified resource consent for each new or upgraded telecommunications facility is approximately $15,000 and that it generally takes them up to three months to obtain the consent. The cost includes the resource consent fee, the additional planning and technical consultation, and administrative costs incurred by telecommunication providers. Several telecommunication providers also advised through engagement that additional costs, such as visual landscape assessments, are becoming a more common request by councils for new or upgraded telecommunication facilities. This can add significant cost to a project (approximately $5,000) and time (usually at least a month).

26. At a high-level, the resource consent dataset on MfE's website corroborates the telecommunications sector's claims on the problem definition. This data indicates that the average fee across the country to consent a telecommunication facility was over $4,000 in the 2022/23 financial year (but this excludes the additional planning and technical consultation, and administrative costs incurred telecommunication providers). Fees have also increased significantly over the past nine years, by more than 120 per cent from an average of approximately $1,800 in 2014/15. Fee charging also varies considerably across councils for facilities in the same zone with similar specifications.

27. Furthermore, MfE's dataset indicates the average timeframe to process a resource consent for a telecommunication facility was 19 statutory days in 2022/23 and about two per cent of applications took more than 60 statutory days to process. However, this does not factor in the additional time taken for telecommunication providers to respond to requests for additional information, where the statutory clock stops. The statutory timeframe for resource consents has remained relatively constant between 2014/15 (at

an average of 18 statutory days) and 2022/23. However, there has been an increase in the number of resource consents that have exceeded the statutory timeframes, with just two per cent of applications exceeding the statutory timeframes in 2014/15 but 11 per cent of applications in 2022/23.

28. As noted above, it is rare for resource consents for telecommunication facilities to be notified, requiring public or limited consultation. Between 2014/15 and 2022/23, there are 24 recorded instances of consents for telecommunication facilities being notified (that is just 1.4 per cent of all applications). Where telecommunication facilities are notified, the sector has provided examples of the costs being more than $100,000 and the process becoming substantially protracted. The risk of incurring these sorts of costs creates a high level of uncertainty for telecommunication providers when building or upgrading telecommunication facilities in parts of the country with more restrictive rules.

29. In July 2021, The New Zealand Infrastructure Commission | Te Waihanga published a study that concluded New Zealand had proportionately much higher spend than other countries assessed on planning and consenting for smaller projects.[4] These smaller projects often deliver critical services to communities, such as upgrading telecommunication facilities. This study found that for smaller projects of less than $200,000, consenting averaged 16 percent of a project's costs (compared to 5.5 percent for an average infrastructure project). These high costs for smaller projects often delay or in some cases prevent upgrades to telecommunication services.

Quantifying the negative flow-on implications for New Zealanders is difficult

30. Based on the evidence provided by telecommunication providers and drawn from MfE's resource management consents dataset, the status quo is resulting in costs and delays in rolling out or upgrading necessary telecommunication services. It is likely that these cost inefficiencies contribute to price increases for telecommunication services for households and businesses. This has cost-of-living implications for New Zealanders. These cost inefficiencies also increase the likelihood that network operators forgo or delay important investment in upgrading or expanding telecommunications networks. However, it is difficult to quantify the impact of these inefficiencies or lost opportunities on New Zealand households and businesses.

What objectives are sought in relation to the policy problem?

31. The policy objectives of proposed changes to NES-TF build upon the original policy objectives of NES-TF and link to the objectives of the broader RMA reforms. Officials have determined the objectives are:

    a. ***Objective One*** – ensuring NES-TF continues to respond to and support technological improvements in connectivity. This will assist in network design and equipment sourcing for upgrades, to ensure New Zealanders can have more streamlined access to high-quality connectivity options. This includes supporting the deployment of 5G technology, resilience enhancements and ensuring facilities can meet operational need in the built or natural environment.

[4] Moore, D., Loan, J., Wyatt, S., Woock, K., Carrick, S., Hartmann, Z., "The cost of consenting infrastructure projects in New Zealand" (July 2021), accessed here: https://media.umbraco.io/te-waihanga-30-year-strategy/py0p420w/the-cost-of-consenting-infrastructure-projects-in-new-zealand.pdf on 11 December 2024. This research included international benchmarking comparing consenting costs in New Zealand to those in Australia, EU nations, the UK and Canada.

b. **Objective Two** – appropriately managing any adverse effects on the environment. This will ensure the activity standards are proportionate to the extent of adverse effects and that local decision-making is retained in more environmentally sensitive areas.

c. **Objective Three** – facilitating cost-efficient and timely delivery of telecommunications infrastructure. This will reduce the timeframe for the availability of new or improved telecommunication services for New Zealanders, minimise disruptions to existing services and help to prevent price increases driven by current inefficiencies. It will also reduce cost and workload for councils in establishing their own rules for telecommunication facilities through their RMA plans and in processing consent applications.

32. Note that there also may be some trade-offs between these objectives. For example, an option that prioritises objective three to reduce unnecessary compliance costs and delays may reduce an option's effectiveness at achieving objective two to appropriately manage environmental effects and provide for local decision-making. Furthermore, the options below include some sub-options for public consultation (eg on pole height, headframe sizes and rules for antennas on buildings) which also helps to assess these trade-offs, which are factored into the options assessment provided below.

What consultation has been undertaken?

33. Between August and September 2024, officials undertook targeted engagement with a wide range of telecommunication sector stakeholders on potential changes to NES-TF. This included:

a. MNOs (2degrees, One NZ and Spark)

b. TowerCos (Connexa and FortySouth)

c. Chorus and other Local Fibre Companies (**LFCs**) (Enable, Tuatahi, and Northpower)

d. several wireless internet service providers (**WISPs**) and the Wireless Internet Service Provider's Association New Zealand (**WISPA**)

e. several other telecommunication providers, including Kordia, Nokia, Tait Communications, Transpower, and Tū Ātea.

34. Officials also continue to engage routinely with a working group established by the TCF.

35. Officials have also engaged with a range of planners and RMA practitioners, including:

a. a local government practitioners group set up by MfE

b. the New Zealand Planning Institute (**NZPI**)

c. the Resource Management Law Association

d. an RMA Reform Working Group set up by MfE, which includes representatives from infrastructure providers and businesses, the Property Council NZ, the Employers and Manufacturers Association, and Business NZ.

36. Officials have provided an overview of NES-TF proposals to some PSGEsa. Officials have also invited further engagement with several Māori representative groups, including PSGEs, the Data Iwi Leaders Group and Papa Pounamu (a technical interest group aligned with NZPI), but have not yet received responses to engage specifically on NES-TF.

37. All stakeholders that officials have engaged with have expressed views that elements of NES-TF are overly restrictive, out of date, and no longer reflect technological and built

environment developments. Telecommunications providers presented a range of case studies where the current NES-TF is inadequate and over-reliance on resource consent processes is resulting in significant costs and delays in deploying telecommunications infrastructure.

38. Some local government practitioners raised concerns on the visual and amenity effects of several proposed technical changes to NES-TF (mainly in relation to pole height and the dimensions of larger antennas, cabinets and headframes). This has informed the development of several sub-options relating to pole heights, headframe sizes and rules for antenna on buildings. Several local government planners also expressed support for proposed new permitted activity standards to enable customer connection lines to heritage buildings.

39. Public consultation on proposed changes to NES-TF will provide an opportunity to test proposals and sub-options further with the telecommunications sector, planners, Māori iwi/hapu representative groups and the public.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

40. The options considered have been assessed against the criteria below. This set of criteria is consistent across the national direction programme and applied with equal weighting.

Criteria	Definition
Effectiveness in achieving objectives	This criterion is focussed on whether an option strikes the right balance in achieving the objectives outlined above (ensuring the standards are up-to-date and fit-for-purpose, managing environmental impacts and extending NES-TF to apply to a greater range of low impact telecommunication facilities). This will help to ensure that options deliver net benefits to New Zealand while appropriately managing impacts on the environment.
Upholding the Treaty of Waitangi	This criterion is focused on the effectiveness of an option to support Māori-Crown partnership, consider the principles of the Treaty of Waitangi, and ensure the Crown upholds any relevant Treaty of Waitangi settlements. An interim Treaty Impact Assessment to support decisions to consult on proposed changes to NES-TF has been undertaken alongside this regulatory impact statement.
System alignment	This criterion will assess the extent to which options integrate well with other proposals across national direction, the purpose of the RMA and wider system objectives for RMA reforms. NES-TF has relevance to many of the other proposed new or amended national direction, including those for infrastructure, energy and urban development.
Minimise implementation risks	This criterion assesses the extent to which the options present implementation risks that are low or within acceptable parameters. This includes assessing whether the option is clear about what is required for implementation by local government or others, and the extent to which the option can be implemented within reasonable timeframes.

Key for qualitative judgement for each objective:

++ much better than doing nothing/the status quo/counterfactual

\+ better than doing nothing/the status quo/counterfactual

0 about the same as doing nothing/the status quo/counterfactual

\- worse than doing nothing/the status quo/counterfactual

\- - much worse than doing nothing/the status quo/counterfactual

What scope will options be considered within?

Decisions already taken by Cabinet

41. The mandate provided by Cabinet in June 2024 CAB-24-MIN-0246 as part of the National Direction work programme was to make changes to NES-TF. More broadly, the National Direction programme is intended to help drive a more efficient and effective resource management system and unlock development in infrastructure, housing and primary industries. The scope of options under consideration has also been driven by ministerial

expectations on timeframes to have the National Direction changes as part of Phase 2 of the RMA reform in place by the end of 2025.

42. Given the policy mandate from Cabinet, non-regulatory options (such as guidance for councils, voluntary standards or global consents) were not considered. Officials also consider that non-regulatory options would be inadequate in addressing the problem definition. These non-regulatory alternatives would rely on many councils undertaking a full RMA plan change process to incorporate the necessary changes in approach. Even then, telecommunication providers would still be required to obtain a controlled activity resource consent for any telecommunication facilities that did not meet the permitted activity standards in NES-TF.

43. The scope of Cabinet decisions and the short timeframes also mean that several other changes to NES-TF requested by some telecommunication providers were not prioritised and so were not in scope of the options considered. This includes:

    a. New standards to permit the installation and operation of Internet of Things devices in public spaces (such as smart parking systems, sensing and environmental monitoring equipment, and signage). This also includes 'communications kiosks' as part of Spark's plans to replace public telephone boxes.

    b. New standards to permit subdivision of land to build and operate a telecommunication facility.

    c. Amending existing permitted activity standards to permit extension to an existing or a new aerial route for the installation and operation of a telecommunication line, including over rivers and streams.

    d. New standards on earthworks to permit installation of access trails to a telecommunication facility.

Retaining protections for the most environmentally significant areas

44. Officials have not considered options that would change the approach in applying the relevant district or regional rules for environmentally significant places and areas, in accordance with Subpart 5 of NES-TF. This is to ensure that the proposed changes to NES-TF align with Part 2 of the RMA and the original policy intent of NES-TF to enable low impact telecommunication facilities. Under the RMA, NES are not able to permit an activity that would have significant adverse environmental effects (section 43A(3)).

45. The Government is proposing to consult on two changes to NES-TF (in Option 2) that would limit a council's ability to set rules in Subpart 5 areas:

    - a new permitted activity for customer connection lines to heritage buildings, and
    - a new permitted activity for installation and operation of temporary telecommunication facilities in emergencies.

46. National consistency on the rules relating to the deployment of telecommunication facilities in significant environmental areas is an enduring challenge across all linear infrastructure, including energy networks. We consider that these issues will be better addressed in the Government's next phase of resource management reforms.

Other issues considered out-of-scope

47. Changes to radio frequency exposure standards are out of scope. Under NES-TF, telecommunications providers need to comply with the New Zealand radio frequency

exposure standard NZS 2772.1:1999 by reference, which is administered and reviewed by the Ministry of Health and Health New Zealand (Te Whatu Ora). The protections for radio-frequency exposures will be maintained with no changes. The Ministry of Health and Health New Zealand advised that the references to NZS 2772.1:1999 align with international best practice and remain fit for purpose.

What options are being considered?

Status quo / counterfactual

48. Under the status quo, telecommunication providers would continue to rely on obtaining a resource consents for low impact facilities not covered by NES-TF. This will continue to result in costs, delays and uncertainty on outcomes for many new or upgraded telecommunication facilities. Even where a regulated activity is permitted by an RMA plan, if it is not permitted by NES-TF, it would default to a controlled activity status and require a resource consent.

49. These inefficiencies would not adequately support telecommunication providers to deploy or upgrade low impact telecommunication facilities, deterring or slowing improvements to services. Telecommunication providers would likely pass on the increased costs of these inefficiencies to New Zealand households and businesses.

Option 1 – Consult on amending the existing permitted activity standards

50. This option would consult on a range of technical amendments to existing permitted activity standards in NES-TF. See Table 1 below for a detailed overview of the proposed changes. This includes:

    a. *Increasing the permitted height for antenna on poles and buildings*. Changing the basis for permitted pole heights to allow for taller poles would help to address coverage gaps caused by the built or natural environment (eg trees, shelter belts). There are two sub-options discussed below in Table 1 we propose to consult on.

    b. *Increasing the maximum allowable antenna dimensions and updating headframe rules*. This would support the deployment of newer technologies (such as 5G mobile services), and enhancements to resilience and rural connectivity.

    c. *Increasing cabinet sizes and amending the cabinet grouping rules*. This would permit telecommunications cabinets to be larger and closer together, to support network resilience (eg to store additional batteries), new technologies with larger equipment (such as 5G mobile services) and greater co-location of multiple facility operators.

51. This would support telecommunication providers to make upgrades to existing facilities – or new facilities permitted by the current NES-TF in the road reserve or outside the road reserve in rural zones – without the need to rely on RMA plans or to seek resource consents.

Option 2 – Consult on amending the existing permitted activity standards (as per Option 1) and expanding the scope of NES-TF to permit new activities

52. This option would consult on the technical changes in Option 1 and expand the scope of NES-TF to permit a range of new activities to address the problem definition. See Table 2 below for a detailed overview of the proposed changes.

53. Option 2 would support telecommunication providers to install and operate new telecommunication facilities in more locations (ie new poles anywhere in the road reserve, or outside of the road reserve in commercial, industrial and mixed-use zones). This will support more efficient deployment of telecommunications infrastructure in and around areas we expect to see greater housing intensification.

54. Option 2 would also expand the scope of regulated activities in NES-TF to new components of telecommunication facilities (ie renewable electricity generators and temporary telecommunication facilities). This will support network resilience and rural connectivity improvements. The option also introduces new standards permitting customer connection lines to heritage buildings, which would reduce potential cost barriers to fibre installations for heritage buildings.

55. Option 2 would slightly reduce the ability of councils to set rules in relation to Subpart 5 areas for customer connection lines to heritage buildings and temporary telecommunication facilities in emergencies. However, the proposed standards will avoid or mitigate adverse environmental effects. We still consider the effects associated with this option will be less than minor and give effect to Part 2 of the RMA and the policy intent of NES-TF, but we are interested in testing this assessment through public consultation.

Table 1 – Summary of proposed changes to NES-TF for consultation in Option 1

Proposal	Description	How this relates to the problem definition
Increase antenna dimensions – Increase the dimensions in the permitted standard for panel antennas, dish antennas and small cell unit dimensions, to support new technologies and necessary upgrades.	Amend the permitted standard for the notional envelope of **new panel antennas** on a pole (without a headframe) in the road reserve to be no larger than 5.0m in length (increased from 3.5m) and 1.2m in diameter (increased from 0.7m). For new panel antenna on a pole outside of the road reserve, amend the maximum width to 1.0m (increased from 0.7m). Amend the permitted standard for the maximum diameter of **new dish antennas** on a pole anywhere in the road reserve or outside the road reserve in a residential zone from 0.38m to 0.6m and amend the protrusion distance from 0.6m to 0.8m. For new dish antennas outside of the road reserve and not in a residential, local centre, neighbourhood centre, or open space zone, amend the maximum diameter to 2.0m (increased from 1.2m). Where the existing antennas or the protrusion distance of a dish antenna on a pole are larger than these measurements, this will be the permitted dimensions of replacement antennas. Amend definition of **small cell unit** by increasing from 0.11 m^3 to 0.33 m^3.	Enables necessary telecommunication upgrades *The proposed changes will ensure antennas meet operational needs to support the roll-out of new technologies, such as 5G (including deployment of small cell units in denser urban areas).* Enables rural connectivity improvements *The proposed changes will permit larger dish antennas (such as for digital microwave radio) to help support rural connectivity and resilience.*
Amend cabinet dimensions and rules – Increase cabinet dimensions and amend the cabinet grouping rules to support new technologies and necessary upgrades.	Amend the height and dimension conditions for cabinets as follows: - In the road reserve adjacent to a residential zone, increase the maximum permitted height from 1.8m to 2.0m and the footprint from 1.4m^2 to 2.0m^2. For any other zone in the road reserve, increase the maximum permitted footprint from 2.0m^2 to 3.0m^2. - For cabinets servicing buildings, increase the maximum permitted footprint from 2.0m^2 to 3.0m^2. - For groups of cabinets in road reserves, increase that maximum footprint from 2.0 to 3.0m^2. - For groups of cabinets in the road reserve outside of a residential zone, increase the maximum footprint to 6.0 m^2 where the group of cabinets is to support two facility operators; and increase to 9.0m^2 where the group of cabinets is to support three or more facility operators. Reduce cabinet grouping rule that separates groups of cabinets on the same side of the road from 30m to 10m. Remove cabinet grouping rules where two or more facility operators are co-located in the same group of cabinets.	Enables necessary telecommunication upgrades *Increases to cabinet sizes would support telecommunication providers to store additional backup batteries and enable installation of additional equipment to support new technologies (egto support the roll-out of 5G).* Enables co-location to reduce environmental impacts *Changes to the cabinet grouping rules would support greater co-location of multiple facility operators, reducing the number of mobile towers needed. Larger cabinets also require less cooling from fans, reducing the noise from cabinets.*
Amend pole height rules – Consult on two options to specify pole height caps for new or replacement poles in specified zones.	Under NES-TF, the maximum pole heights are currently linked to existing pole heights for replacement poles. Replacement poles can only increase by 3.5m from the baseline pole height as at a fixed date. For new poles permitted in the road reserve, the height limit is linked to the height of existing nearby poles within 100m (including telecommunication masts, streetlights, and other poles). New poles outside of the road reserve in rural zones are permitted up to 25m. We propose to consult on two options in relation to pole heights: *Option A [officials' preferred option] – s*et the following fixed pole height caps by zone in NES-TF: - ***Adjoining road reserve*** in residential, local centre or neighbourhood centre zones, 20m; in rural zones, 35m; in all other zones, 25m (this includes settlement, commercial, mixed-use, industrial, metropolitan, open space, sports and recreation, and special purpose zones, noting areas identified in RMA plans with special, natural or heritage significance as per Subpart 5 of NES-TF would remain subject to these rules). - ***Outside of the road reserve*** in a local centre or neighbourhood centre zone, 20m (with a height-in-relation-to-boundary setback of 4m and 60° recession plane); in a mixed-use zone, 25m (with a height-in-relation-to-boundary setback of 4m and 60° recession plane); in commercial or industrial zones, 25m; in rural zones, 35m (increased from 25m) with a 50m setback from buildings on a neighbouring property used for sensitive activities. This provides greater certainty and national consistency on pole heights for communities while aiming to appropriately manage the visual effects of taller poles.	Reduces the risk of disruption to telecommunication services *The amended pole heights in both options (and the commensurate increase in pole widths) will help to ensure telecommunication facilities can be built to meet the operational need to provide and maintain coverage. This includes retaining coverage over taller buildings permitted under the MDRS and the housing intensification initiatives, as well as coverage obstacles in rural areas such as shelter belts and trees.* Enables co-location to reduce environmental impacts *The additional 5m afforded to support co-location and amended pole heights will support co-location and network optimisation, as taller towers have more space at the top for multiple providers to co-locate equipment. This means MNOs/TowerCos can roll out fewer, but taller towers, rather than more smaller towers (with a corresponding trade-off in visual amenity effects). This would also have other environmental benefits, with less materials required for more poles.* Enables infrastructure to support housing growth and densification *The amended pole heights in both options (and the commensurate increase in pole widths) will support more efficient deployment of*

	Option B – Link permitted pole heights in NES-TF to building zone heights plus five metres for the following zones: residential (excluding poles outside of a road reserve), commercial (capped at 30m), mixed-use and industrial zones. Height limits in other zones (ie rural, local centre and neighbourhood centre zones) would align with Option A above. This would provide more flexibility to telecommunication providers to build taller poles that are fit-for-purpose in their built environment. For example, in high-density residential zones this would enable 27m poles to provide coverage over 22m six-storey buildings. However, these taller poles in some locations could have more than minor visual effects. Furthermore, this would reduce certainty on the maximum permitted pole heights for councils and communities. *Other changes proposed (applicable to both options)* A further five metres in height would be afforded where two or more facility operators are co-located on the same pole for both options (excluding residential zones). Furthermore, replacement poles outside of the road reserve in residential, open space and special purpose zones would still be linked to the height of the baseline pole size but would permit an increase of 5m (up from 3.5m) to align with the larger permitted antenna dimensions.	*telecommunications infrastructure in zones where we expect to see greater housing intensification. This will reduce the likelihood of delays in building or upgrading telecommunication facilities to provide coverage to new housing.*
Amend pole width rules – specify new pole width limits in specified zones.	Under NES-TF, pole widths are also currently linked to the width of existing poles. For example, if more antennas are added to an existing pole, then the diameter of a replacement pole can increase by double. Otherwise, it can only increase by 1.3 times. We propose to consult on the following changes to pole widths in NES-TF: for poles adjoining the road reserve, we propose to amend the permitted standard for the maximum pole width at the base to 0.9m in a residential, local centre or neighbourhood centre zone, or otherwise 1.5m for all other zones. For poles outside of the road reserve, amend the permitted standard for the maximum pole width to 6m in rural zones and 1.5m in all other zones (excluding residential zones which remain unchanged).	*As above for pole height.* *Pole widths need to increase commensurate with increases in pole heights to meet engineering design specifications and load requirements for poles. Standardising pole dimensions will help to reduce consenting costs.*
Headframe rules – permit the installation of headframes on more poles in some zones to support co-location.	Under NES-TF, the installation of headframes on poles in the road reserve is only permitted to replace an existing headframe (in which case it is limited to the width of the existing headframe). Installation of headframes on existing poles outside of the road reserve that are not in a residential zone are permitted to be up to 6m wide. We propose to consult on two options in relation to headframe rules where this would support co-location of multiple facility operators (note, neither option would permit the installation of headframes on poles in a road reserve in residential or open space zones): *Option A [officials' preferred option] – limiting new short-armed headframe rules for poles in the road reserve to some zones.* Permit the installation of headframes where a pole is at least 20m in height, with the following size limits in different locations: - 1.6m short-armed headframes (excluding antennas) on poles in the road reserve adjoining commercial, industrial, mixed use and rural zones. - As per Option A, permit 6m wide headframes on poles outside of the road reserve in commercial, industrial, or rural zones. This option would provide some flexibility to support multiple facility operators to co-locate on the same pole, while aiming to manage the visual effects of headframes on poles. It would also reduce the likelihood of safety concerns, given headframes are less likely to overhang footpaths and roads where they are permitted (see commentary below on Option B). *Option B – more permissive headframe rules for poles in the road reserve.* This would permit the installation of headframes where a pole is at least 20m in height, with the following size limits in different locations: - 4.5m wide headframes on poles in the road reserve adjoining commercial, industrial, and rural zones. - 1.6m short-armed headframes (excluding antennas) on poles in the road reserve in residential, local centre and neighbourhood centre zones, and both in and outside of the road reserve in mixed-use zones.	Enables rural connectivity improvements *Permitting the installation of headframes on poles in more locations, particularly around rural areas (including in the road reserve), would increase incentives for multiple network operators to provide coverage in more areas. This may help to address rural connectivity challenges.* Enables co-location to reduce environmental impacts *These changes would support multiple providers to co-locate antennas on headframes, enabling the telecommunications sector to roll out fewer towers (with a corresponding trade-off in visual amenity effects). This would also have other environmental benefits, with less materials required for more poles.*

	- 6m wide headframes on poles outside of the road reserve in commercial, industrial, or rural zones (already permitted on existing poles, but this would extend rules to new poles permitted outside of the road reserve). This option would provide more flexibility to permit the installation of headframes on new or existing poles in the road reserve to support greater co-location of multiple facility operators. However, it may result in more significant visual effects and safety concerns, with headframes more likely to overhang footpaths and roads. Through targeted engagement, councils raised concerns that headframes overhanging roads were a distraction for drivers and posed a safety risk for pedestrians. We will seek further feedback on this through public consultation.	
Antennas on buildings – Consult on two options to permit antennas on buildings and increase panel antenna dimensions.	Amend the permitted standards for panel antennas on buildings in all but residential zones to specify a 1.0m width limit per antenna (replacing the 1.5m^2 area limit). For buildings in residential zones, increase to a 3m^2 area limit (from 1.5m^2). Amend the permitted standard for the maximum permitted diameter of dish antenna from 1.2m to 2.0m on all buildings, excluding those in a residential zone (which remain at 1.2m). Under NES-TF, the top of an antenna must not be more than 5m above the vertical surface of a building or the point at which the antenna is attached to a building. If the building is in a residential zone, the lowest point at which an antenna can be attached to the building must be at least 15m above the ground. We propose to consult on the following two options in relation to the placement of antennas on buildings: *Option A [officials' preferred option] – minor changes to rules relating to antennas on buildings.* This would retain the 15m building height minimum in residential zones but change the point of measurement for the height of antenna attached to the side of a building to be not more than 5m above the top of a building (rather than 5m above the point where an antenna is attached to a building). For antenna on buildings outside of a residential zone, this option would increase the maximum height that antennas can be placed above the highest point of the building from 5m to 10m. This would provide telecommunication providers with some flexibility to help ensure antennas are high enough to provide coverage in their built environment, while ensuring that poles on buildings are proportionate to the building and appropriately manage the visual effects of permitting antennas to be higher. *Option B – more permissive rules on the location of antennas on buildings.* This would permit the installation of antennas on buildings at least 11m in height in residential zones (decreasing from 15m) and increase the maximum height of antennas on buildings to align with building zone height plus 5m This option would permit installation of antennas on three-storey buildings in a residential zone and enable antennas to be located much higher on poles attached to buildings. For example, if a high-density residential zone permitted 22m buildings, a pole could be located on a neighbouring 11m building to reach up to 27m (5m higher than the 22m permitted building height), resulting in a pole taller than the building. While this would provide telecommunication providers with greater flexibility to ensure antennas on buildings can be located high enough to provide coverage over surrounding buildings, it could result in some perverse visual effects.	Enables necessary telecommunication upgrades *The proposed changes ensure antennas installed on buildings meet operational needs to support the roll-out of new technologies (such as 5G).* Reduces the risk of disruption to telecommunication services *Increasing the permitted height of antennas on buildings would help to ensure telecommunication facilities can be built to meet the operational need to provide and maintain coverage.*
Support structures for aerial telecommunication lines – minor and technical changes on the size and placement of support structures for aerial telecommunication lines.	Amend the permitted activity standard for the location of replacement support structures for aerial telecommunication lines to be up to 10m from the existing location (currently 3m) and the height to increase by up to 3m (currently 1m).	Enables necessary telecommunication upgrades *This would provide fixed line operators flexibility to replace poles to match manufacturer standards (some existing poles are 9m, but manufacturers only supply 11m poles).*

Table 2 – Summary of proposed changes to NES-TF for consultation in Option 2 (additional to proposals in Option 1)

Proposal	Description	How this relates to the problem definition
New poles in the road reserve – Permit installation and operation of new poles anywhere in the road reserve.	The current NES-TF permits telecommunication providers to build new poles in the road reserve so long as they are within 100m of an existing pole. Amend the permitted activity standard to remove this 100m limit for new poles and enable telecommunication providers to build new poles anywhere in the road reserve (noting facilities in areas under Subpart 5 of the NES-TF would still be subject to RMA plan rules).	<u>Enables necessary telecommunication upgrades</u> *The placement of new pole infrastructure would be based on network design requirements and commercial feasibility, and not be constrained by the location of existing infrastructure. Removing the 100m rule for new poles in the road reserve would support connectivity solutions in transport corridors where it's likely to be easier to connect fibre backhaul.* <u>Enables infrastructure to support housing growth and densification</u> *This change would speed up the roll-out of telecommunication facilities to service new housing developments. We expect to see greater housing intensification near transport corridors (eg State Highways and local roads), commercial and mixed-use zones, and so enabling these changes to NES-TF would speed up the deployment of telecommunication services for new housing developments and support greater densification.*
New poles outside of the road reserve – Permit installation and operation of new poles in some zones outside of the road reserve.	Currently, NES-TF does not provide for new poles that are not replacement poles outside of the road reserve or rural zones. In these zones, NES-TF only provides for the replacement of an existing pole. This option would introduce new permitted activity standards for telecommunication providers to build new poles in the following zones outside of the road reserve: commercial, industrial, mixed-use, local centre and neighbourhood centre zones. Mixed-use, local centre and neighbourhood centre zones would need to comply with height-in-relation-to-boundary setback rules (described in Option 1 under *Amend pole height rules*) to help manage the environmental impacts. For all other zones (including residential, open space and special purpose zones), proposed amendments to NES-TF would enable the pole height to increase by up to 5m from the baseline pole height (an increase from 3.5m) to align with the larger permitted antennas.	
Temporary telecommunication facilities – New standards to permit installation and operation of temporary facilities in specific circumstances.	Introduce a new regulated activity (ie permitted activity) for a temporary telecommunication facility to provide coverage or additional capacity for the following specified circumstances and timeframes: - During or after an emergency event for up to six months (including in Subpart 5 areas where facilities can be installed without damaging or altering a protected area). - During the maintenance or upgrade of an existing facility for up to six months. - For an event or short period during high-capacity demand (ie during holiday periods at a camp site) for up to three months. As soon as practicable and no later than three months after completion of the works, the site must be reinstated and restored to its previous condition prior to the works. The maximum height of a temporary telecommunication facility is 25m and has a maximum footprint of no greater than 15m^2.	<u>Reduces the risk of disruption to telecommunication services</u> *These new standards will provide national consistency on rules to support the provision of temporary telecommunication services, where they are necessary from a public health and safety perspective. Telecommunications are a critical part of the emergency management system, enabling people to contact 111. The new standards reduce the risk of consenting delays impacting coverage or capacity for an area.*
Renewable electricity generators – New regulated activity standards to permit installation and operation of renewable electricity generators on facilities in rural zones outside of the road reserve	Introduce a new regulated activity (ie permitted activity) for the installation, operation, and maintenance of a renewable electricity generator in rural zones outside of the road reserve. These new standards would permit the installation of solar panels and wind turbines. Areas of environmental significance under Subpart 5 will still be subject to RMA plan rules. Use of a non-renewable electricity generator for an off-grid site as a back-up, where a renewable energy source is not available, would also be permitted. Proposed standards for solar panels would specify: - A 5m limit on the distance from the top of the array to the ground. - A 100m^2 limit on the footprint the overall size of solar arrays. - That ground-mounted solar panels must be a minimum of 50m from buildings used for sensitive activities on a neighbouring property. Proposed standards for wind turbines would specify: - A 25m maximum height limit. - That they must be a minimum of 50m from buildings used for sensitive activities on a neighbouring property. - Incorporate NZS noise standards for wind turbines by reference.	<u>Enables necessary telecommunication upgrades</u> *These new standards will make it easier for telecommunication providers to install and operate renewable energy electricity generators on facilities in rural zones. This will support rural connectivity by enabling providers to build facilities in remote areas without requiring connection to the National Grid, or to build resilience into the network by using alternative sources of power.*

Customer connection lines to heritage buildings – New regulated activity standards to permit customer connection lines (ie fibre) to heritage buildings.	Introduce a new regulated activity (ie permitted activity) for the installation and operation of customer connection lines (ie fibre) to a heritage building or structure (excluding wāhi tapu without buildings and archaeological sites). Proposed activity standards include: a. Compliance with regulation 39 and 40 of NES-TF regarding customer connection lines, including limits on the diameter of any lines and conduit, and that the line must be supported by existing structures. b. Making use of existing entry points for customer connection lines to a heritage building (noting that an additional aerial customer connection line attached to an existing line on the same route is permitted). c. Ensuring a customer connection line and any conduit is not attached to a primary feature of front façade of an identified heritage building or structure. Where the permitted activity standards cannot be met, the activity will either default to a restricted discretionary activity [officials' preferred option] or a controlled activity, with matters of discretion limited to effects on historic heritage values and any other reasonable alternative installation solution. A restricted discretionary activity requires a resource consent and a council can refuse it (but only in relation to specified matters outlined in the matters of discretion). However, a controlled activity resource consent must be granted by a council if the required information is provided, and all applicable standards are met.	<u>Enables necessary telecommunication upgrades</u> *The proposed new standards will enable customer connection lines to heritage buildings while managing effects on historic heritage values. This will reduce cost barriers to fibre installations to help ensure heritage buildings remain useable for people living or working in them.*

How do the options compare to the status quo/counterfactual?

	Criteria	Status quo	Option 1 – Consult on updating the existing permitted activity standards	Option 2 – Consult on technical changes in Option 1b and a limited expansion of the scope of the NES-TF [*preferred option for consultation*]
Effectiveness in achieving the objectives	To ensure NES-TF continues to respond to and support technological improvements in connectivity	**0**	**+** The technical standards for existing telecommunication facilities permitted by NES-TF will better reflect changes in technology and the built environment. This will enable upgrades to existing telecommunication facilities through increases to pole heights, cabinet sizes and antenna dimensions (eg the roll-out of 5G mobile services or battery upgrades).	**++** These updates to the technical standards would apply to new telecommunication facilities in more locations (since NES-TF will enable poles to be built anywhere in the road reserve and outside of the road reserve in some zones). NES-TF will also enable a range of new types of telecommunication facilities such as renewable electricity generators and temporary telecommunication facilities.
	To appropriately manage any adverse effects on the environment (*Note the relative weighting of this criteria has been doubled, as it is considered equally as important as the other two objectives combined*)	**0**	**0** There could be some minor adverse environmental impacts from the cumulative impact of permitting larger poles, antennas, and cabinets. This mainly relates to visual effects of larger poles, with antennas affecting the character of an area and amenity impacts, or traffic safety or access flow-on effects because of larger cabinets. These impacts will vary on a site-by-site basis across districts, zones and by facility, due to the existing variation in RMA plan rules (with some plans more permissive than others). Note in many cases these upgrades are already granted resource consent under the status quo with no changes or conditions and so any reduction in environmental protections is likely to be minor. We consider that any minor adverse visual effects would be balanced by changes supporting greater co-location of multiple facility operators, reducing the number of poles.	**-** Additional to Option 1, there could be further minor adverse environmental impacts. For example, there may be a cumulative visual effect of permitting new poles anywhere in the road reserve and outside of the road reserve in local centre, neighbourhood centre, mixed-use, commercial and industrial zones. This is particularly the case for RMA plans with more restrictions to manage visual effects (such as height-in-relation-to-boundary setbacks). Again, these impacts may be partially offset by changes incentivising providers to build fewer poles and co-locate equipment for multiple providers. This option could also weaken any special protections afforded under RMA plans through Subpart 5 of NES-TF for customer connection lines to heritage buildings and temporary telecommunication facilities in emergencies. However, the proposed standards aim to mitigate adverse environmental impacts.
	To facilitate cost-efficient and timely delivery of telecommunications infrastructure	**0**	**+** Providers will no longer need to seek resource consent for a range of upgrades to existing facilities permitted by NES-TF (such as increasing the height of poles to retain coverage, replacing antennas or increasing the size of a cabinet). For less permissive RMA plans, these changes provide a faster and more certain outcome. For RMA plans that already permit these changes, telecommunication providers will no longer require controlled activity resource consents (costing on average $15,000 per site). This option will reduce the need for councils to update their RMA plans to reflect technical and built environment changes. This will reduce flow-on costs and delays for New Zealand businesses and households when existing facilities are upgraded.	**++** In addition to Option 1, there will be a more significant reduction in costs and delays, with less resource consents needed for new regulated activities (ie renewable electricity generators and temporary telecommunication facilities). New poles would be permitted in more locations (ie anywhere in the road reserve and outside of the road reserve in some zones) based on need and commercial feasibility. This would reduce potential flow-on costs and delays for New Zealand businesses and households that benefit from telecommunication upgrades. The changes would also speed up the roll out of telecommunication facilities for new housing developments and to support urban densification. Furthermore, councils would save time and money from not needing to develop their own rules for new permitted activities.
	Overall score for <u>effectiveness</u>	**0**	**+**	**+ / ++**

Upholding the Treaty of Waitangi	-	**0** Updates to the technical specifications of NES-TF are not expected to have adverse effects on Māori relative to the status quo. The upgrades to facilities that we propose to permit are very rarely subject to consultation as part of resource consent processes and so we do not expect to see a reduction in local iwi/hapū consultation. Where sites are located on Māori land, telecommunication providers would still need to obtain the landowner's consent (or comply with any lease arrangements). Furthermore, local decision-making will be retained under Subpart 5 of NES-TF in areas of cultural significance to Māori identified in RMA plans. We anticipate the proposed technical updates to NES-TF would have similar connectivity benefits for Māori and non-Māori (supporting the roll-out of faster, more resilient telecommunication services, reducing the likelihood of price increases and enabling improvements to rural connectivity). Ensuring Māori have access to affordable and reliable telecommunication services is a way in which the Crown can protect Māori interests and support Māori development (eg Māori enterprise).	**0** Expanding the scope of NES-TF to more zones (eg permitting installation of poles anywhere in the road reserve) may reduce the opportunity for local input from iwi/hapū where this currently occurs through existing RMA plans. However, NES-TF will substantially retain provisions in Subpart 5 that provide for local decision-making in areas of cultural significance to Māori. Two amendments are proposed that relate to changes to how Subpart 5 is applied. The first relates to permitting customer connection lines to heritage buildings without applying RMA plan rules (this includes marae). Māori heritage will not be afforded any specific protections in this proposal and it relies on Māori making self-determinations as to what development or alteration is made to their heritage within the parameters of NES-TF. The proposed standards (eg avoiding heritage features or the front façade of the building) aim to ensure that the adverse effects on heritage values are no more than minor. The second amendment to Subpart 5 is a new rule permitting the installation and operation of temporary telecommunication facilities in an emergency. Installation of these facilities on private land (including land owned by Māori) would still require landowner consent. We anticipate that the expanded scope of NES-TF will help to support the roll-out of telecommunication services to new housing developments for both Māori and non-Māori, including Kāinga Ora developments. The proposed changes will also go further in ensuring Māori have access to affordable and reliable telecommunication services.
System alignment	-	**+** These technical updates to NES-TF align well with Government objectives for infrastructure and housing growth, reducing regulatory barriers to investment into improving our telecommunication networks for households and businesses. These updates to NES-TF align with similar types of changes to NES-Electricity Networks and NES-Electricity Transmission, and are supported by the introduction of a new National Policy Statement (**NPS**) for Infrastructure.	**++** As per Option 1 but provides greater policy alignment with broader Government system objectives. For example, permitting the construction of telecommunication poles with antennas in more locations will help to support the Government's housing intensification initiatives. Furthermore, new regulated activity standards for renewable electricity generators will help to facilitate more cost-effective renewable power solutions for telecommunication facilities in rural zones.
Minimise implementation risks	-	**+** Not complex to implement, as councils must include NES rules within their RMA plans 28 days after they are gazetted. There will be some small implementation costs for central government to progress changes and update guidance, and to local government and telecommunication providers to familiarise themselves with the changes. These costs will be significantly outweighed by the savings from reduced consenting costs and reviewing RMA plans. With greater dependence on NES-TF and fewer resource consents needed, consenting authorities responsible for monitoring and enforcing compliance with NES-TF may face difficulties covering these costs, which would either be passed onto ratepayers or, where permitted to do so under the RMA, telecommunication providers. We consider the legal risks associated with this option to be low and to align with requirements in the RMA.	**+** As per Option 1, but the costs and savings will be more significant due to the expanded scope of NES-TF. Councils will have less oversight of new telecommunication facilities, with more permitted activities, and potentially greater costs for monitoring and enforcement. There is a slightly higher likelihood of these proposed changes to NES-TF being subject to public scrutiny. Some organisations and community groups are likely to oppose permitting new telecommunication poles in more locations. They may challenge whether telecommunication providers as private companies should have social licence to build new facilities in more locations without needing a resource consent and some level of community engagement. We consider the legal risks associated with this option to still be low and to align with requirements in the RMA.
Overall assessment		**+**	**+ / ++**

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

56. Option 2 is most likely to deliver the highest net benefit to New Zealanders and so is officials' preferred option for public consultation (as recommended in the Cabinet paper). Option 2 would support greater efficiency for telecommunication providers to upgrade existing facilities and deploy a range of new facilities to meet operational needs. This will go further in supporting the deployment of telecommunication facilities to meet the needs of New Zealanders. It will also help to support the Government's broader objectives on housing, infrastructure and rural connectivity.

57. Option 2 could significantly reduce the need for providers to obtain resource consents, reducing associated planning and consenting costs. This would provide greater certainty for telecommunication providers to invest in new or upgraded facilities. While it is not possible to accurately measure or predict network enhancements, we anticipate this would help to speed up the roll-out of new technology to support upgrades to telecommunication services (such as 5G mobile services, battery upgrades for resilience, or rural connectivity enhancements). By expanding the scope of NES-TF to more locations (eg anywhere in the road reserve and outside of the road reserve in commercial, industrial and mixed-use zones) the proposed technical amendments in Option 1 will also apply to these new facilities. Option 2 also permits a range of increasingly important connectivity solutions, including temporary facilities and renewable electricity generators, to help support resilience and rural connectivity.

58. Progressing Option 1 would limit the benefit of the technical amendments by only permitting these changes to apply to existing areas covered by NES-TF (ie replacement poles and antennas, new poles in the road reserve within 100m of existing poles, and new poles in rural zones outside of the road reserve). However, this Option could reduce the potential visual effects of enabling more poles to be built in the road reserve and in some zones outside of the road reserve. Option 1 may incentivise telecommunication providers to upgrade existing telecommunication facilities, rather than build more new facilities.

59. Option 2 is likely to have a slightly more negative environmental impact in some parts of the country that are subject to less permissive RMA plan rules on telecommunication facilities. However, the alternative under the status quo may impact the performance and coverage of our telecommunication providers' networks, resulting in more black spots and slower connections. This could have public health and safety implications. Option 2 has also limited the expanded scope of new poles permitted to areas that have already been subject to development (ie the road reserve and commercial, industrial and mixed-use zones). As a result, the visual and amenity effects are still considered low.

60. We do not consider Option 2 will have impacts on competition within or between different types of providers within the telecommunications market (eg between mobile network operators, fixed-line providers or WISPs). NES-TF takes a provider and technology-neutral approach to permitting the construction and operation of telecommunication facilities. While many of the proposed changes to NES-TF (in particular, in relation to poles and antennas) has been driven by MNOs and the TowerCos, and any facility operator can utilise the rights conferred by NES-TF. Public consultation will provide an opportunity to seek further feedback on this aspect of the changes to NES-TF.

Other risks

61. One cost of the proposal not currently captured in the multi-criteria assessment above is that there may be a reduction in engagement with local communities on the location and scale of new or upgraded telecommunication facilities. The resource consent process encourages resource users to act as a good social business, undertaking assessment of alternative sites and consulting with communities even where it is not a requirement under the resource consent. By going through a resource consent process, it can help the telecommunications sector to build social licence for controversial proposals. Furthermore, communities also have an opportunity to engage on the rules relating to telecommunication facilities (where not permitted by NES-TF) through changes to RMA plans. The status quo encourages a higher level of community engagement in rolling out or upgrading telecommunication facilities than would likely be the case if proposed changes take effect.

62. Note that the TCF and its industry members have developed an industry code that provides guidelines to improve engagement with communities on significant upgrades to wireless telecommunications facilities (regardless of whether they are permitted under NES-TF or not). Telecommunication providers also have strong reputational incentives to engage with communities on concerns relating to new facilities. Anecdotally we are aware providers have made considerable efforts to accommodate community aspirations with respect to telecommunications infrastructure, for example, offering to paint mobile towers a colour that will blend in with the surrounding environment, or make other compromises with respect to tower height to mitigate visual effects. We expect this sort of proactive (and in some cases reactive) community engagement to continue under Option 2.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

Yes.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

63. The table on the next page provides marginal analysis of the costs and benefits associated with progressing proposed changes to NES-TF under Option 2. Note that at this time, there is limited quantifiable data on the financial or economic costs and benefits associated with the proposals in this regulatory impact statement. For these reasons, the cost and benefits analysis are limited to commenting on the likelihood of impact and whether the impact is likely to be low, medium, or high.

Affected groups *(identify)*	Comment *Nature of cost or benefit (eg ongoing, one-off), evidence and assumption (eg compliance rates) and risks.*	Impact *$m net present value high, medium, or low*	Evidence Certainty *High, medium, or low*
Additional costs of the preferred option compared to taking no action			
Telecommunication providers	There will be some relatively small one-off transitional costs to telecommunication providers to review and engage on NES-TF changes (including in consultation), and to learn the new policies and rules.	***Low*** We estimated the cost to telecommunication providers to advocate for and implement changes to NES-TF will be low (likely in the $100,000s) but will seek further feedback from telecommunication providers on this through public consultation.	***Medium***
Central government	Transitional costs for central government to develop the changes to NES-TF and support implementation (ie preparing non-statutory guidance such as the NES-TF User Guide).	***Low*** While total costs for national direction process can be as high as ~$6M (based on NPS-Urban Development, which includes estimates of government staff time, we estimate the cost of NES-TF changes to central government to be much less (likely in the $100,000s). These costs are being met within existing funding baselines.	***Medium***
Councils	Transactional costs to train staff to become familiar with new policy requirements and incorporate them into RMA plans. NES provisions must be directly inserted into plans without a full plan-making process, which can reduce costs for some councils significantly. Some may opt to review the telecommunications sections of their plans, to align rules for areas or activities not covered by NES-TF with the proposed changes. A district council undertaking an RMA plan change specifically to update the rules or schedules pertaining to these areas might incur an estimated one-off cost of up to $100,000. There is also an unquantifiable cost from districts' loss of ability to control the visual effects of deploying new or upgraded facilities as proposed by the amendments to NES-TF. Councils may face costs from monitoring and enforcement, as well as increased complaints about the placement of new infrastructure. These costs would either be recovered through ratepayers or directly from telecommunication providers (where permitted to do so under the RMA).	***Low / Medium*** The estimated cost per annum to implement NPS-Urban Development and the MDRS by district council was $5.68M, however, this required significantly more work from councils than NES-TF changes will. We estimate the cost to implement NES-TF changes would be much less than this. The potential for increased costs for monitoring and enforcement will vary by council. We will seek further information on these costs through public consultation.	***Medium*** Analysis of costs was undertaken by the NZ Institute of Economic Research Inc.[5]
Local communities	Permitting larger telecommunication facilities and extending NES-TF to apply to other activities and locations may have some cumulative visual effects for local communities. This can have implications on open space and tourism. These are enabling policies and may increase the presence of telecommunication infrastructure in the built or natural environment. It is difficult to assess the extent to which this will be substantially different from the status quo, where resource consents are required and overwhelmingly granted. These visual effects are likely to be felt most in parts of the country where councils have less permissive rules for telecommunication facilities. Impacts will also vary on a case-by-case basis depending on a range of factors, such as the specifications of a	***Low*** This will be assessed further through public consultation.	***Low*** Pending consultation.

[5] NZ Institute of Economic Research Inc, 2024. Cost impact of central government reforms. A report for Local Government New Zealand. p iii.

	telecommunication facility, where it is located and its surrounding environment. Those most affected are likely to be property owners located nearest to a telecommunication facility (eg where a new pole is located on the road reserve in a residential zone near a residential building). The impact of telecommunication facilities on property values is unclear. Analysis conducted as part of the establishment of NES-TF in 2008 found evidence on the relationship between cellular facilities and property values to be mixed. Quantitative analysis of actual transaction data suggested the negative impact is small and falls away rapidly with distance from the site. The perceived reduction in value from close location of towers is much greater than the actual reduction. Given the importance of connectivity and expectation of having coverage, there may in fact be an opposing effect in that reduced or poor connectivity has a negative effect on property values. The proposed changes to NES-TF would theoretically reduce the ability of councils to require telecommunication providers to consult with communities for new or upgraded telecommunication facilities in some cases. It would also reduce the ability of councils to consult with communities on rules for telecommunication facilities in a specific RMA plan. However, it is difficult to assess the extent to which the proposed changes to NES-TF would weaken community engagement. It is very rare for councils to notify resource consents for telecommunication facilities (with just 24 recorded instances in the nine years between 2014/15 and 2022/23, or 1.4 percent of all applications). Furthermore, the focus of the proposed changes to NES-TF is on enabling low impact telecommunication facilities that meet operational need, to provide connectivity to New Zealand households and businesses.		
Iwi/Māori	There is a risk that permitting a wider range of activities could lead to the installation of telecommunications infrastructure in areas that are culturally significant to iwi/hapū and Māori communities. As above, the proposed changes would reduce the ability for local authorities to require telecommunication providers to consult with communities and local iwi/hapū on new or upgraded telecommunication facilities in some cases. However, we anticipate that proposed NES-TF changes will have low impacts on cultural values for Māori given that Subpart 5 of NES-TF applies RMA plan rules in identified areas of cultural significance to Māori (such as wāhi tapu and urupā). Two amendments are proposed that relate to changes to how Subpart 5 is applied and these changes relate to permitting customer connection lines to heritage buildings without applying RMA plan rules, and a new rule permitting the installation and operation of temporary telecommunication facilities in an emergency. The proposed standards aim to minimise adverse impacts on cultural values for Māori. Where telecommunication facilities are located on Department of Conservation (**DoC**) reserve land, this would still require a DoC concession, subject to consultation with relevant iwi under section 4 of the Conservation Act 1987. Where sites are located on Māori land, the telecommunication provider would still need to obtain the landowner's consent (or comply with any lease arrangements).	***Low*** This will be assessed further through public consultation.	***Low*** Pending consultation.
Environment/ biodiversity	The main environmental effect from the installation of telecommunication facilities is earthworks effects, eg from trenching and the installation of new poles. These installation activities and earthworks are temporary and generally of a low level. The 2014 Jacobs SKM report found that overall, the environmental effects from each piece of telecommunications infrastructure individually and their installation activities, tend to be low (less than minor or negligible). However, cumulative visual effects of above-ground infrastructure including above-ground cables, above-ground cabinets, poles and antennas, have the potential to be greater. We have proposed several conditions to help mitigate these impacts, including setbacks for new poles in some zones, and conditions for new activities. We will also retain protections in Subpart 5 of NES-TF that rules in RMA plans apply in certain environmentally significant areas. Furthermore,	***Low*** This will be assessed further through public consultation.	***Medium*** Officials have undertaken a high-level assessment of environmental effects and engaged with SLR Consulting to support analysis.

		proposed changes would incentivise telecommunication providers to design more efficient networks, building fewer poles that are higher (rather than more small poles) and to co-locate equipment on facilities. This would help to mitigate the risk of a proliferation of telecommunication infrastructure, given it is expensive to install.		
Additional benefits of the preferred option compared to taking no action				
Telecommunication providers	**All providers**	A more streamlined process through NES-TF for new or upgraded telecommunication facilities is expected to significantly reduce ongoing consenting and planning costs for the telecommunication sector. MfE's dataset of resource consents indicates that in the nine-year period between 2014/15 and 2022/23 financial years, the total cost in fees alone for the 1,737 recorded telecommunication facility resource consents was nearly $4.5 million (an average of $2,600). The average resource consent fee for a telecommunication facility has also increased by nearly 130 per cent over the nine years (from $1,775 in 2014/15 to $4,070) and the number of resource consents telecommunication providers are applying for has increased (from 193 in 2014/15 to 298 in 2022/23). Note these resource consent fees exclude the additional planning and administration costs (as well as the delays) which telecommunication providers advise are often more significant. When considering these trends and the additional information provided by telecommunication providers on planning costs, time engaging with councils, and independent expertise (such as visual landscape assessments), we estimate that the savings for the telecommunications sector from the proposed changes to NES-TF are likely to be between $50 and $100 million over the next decade.	***High*** A 2021 study by Te Waihanga estimated the total average cost the telecommunications sector spent on resource consents was approximately $60 million between 2018 and 2020 (5.5 per cent of their total annualised average $1.1 billion spend on telecommunications infrastructure).[6] We estimate that the total reduced cost to the telecommunications sector is likely to be between $50 and $100 million over the next decade.	***Medium*** These estimates have been derived from figures provided by the TCF, MNOS, TowerCos and others, and align with figures in the resource management consents dataset administered by MfE. We have not been able to undertake a detailed counterfactual assessment of what savings telecommunication providers would have made if the proposed NES-TF changes were in place. This is because based on the information from MfE's dataset of resource consents, it is not possible to assess each resource consent against the proposed NES-TF changes.
	MNOs and TowerCos	The TCF estimated that over next decade MNOs/TowerCos would need to build or upgrade 3,500 to 4,000 telecommunication facilities across New Zealand to support the roll-out of 5G technology. TCF estimates that under the status quo, this alone would result in resource consent and planning costs of between $52 to 60 million (at an average cost of $15,000 per resource consent). The sector also estimated it would need to spend between $13 and $20 million over the next decade to try and obtain all the necessary RMA plan changes in relation to pole height and dimensions. The proposed changes would support MNOs and TowerCos to roll out more upgrades to their networks (eg 5G mobile services, battery upgrades, renewable electricity generators for resilience and to support rural connectivity). A more streamlined process for consenting of new telecommunication facilities is expected to significantly reduce ongoing consenting costs for MNOs and TowerCos build programmes. The proposed changes would also improve certainty and enable MNOs/TowerCos to purchase equipment and commence site designs earlier, making their operations more efficient. MNOs/TowerCos are also less likely to receive complaints from customers on coverage black spots resulting from taller buildings in some zones, trees, or other obstacles.		
	Chorus and other LFCs	The proposed changes would moderately improve Chorus and other LFCs ability to upgrade or deploy new facilities. The larger permitted cabinets will support their work to upgrade or replace. The new standards permitting customer connection lines (ie fibre) to heritage buildings will reduce consenting costs to connect these buildings to fibre. This will reduce barriers to fibre connections, thereby increasing revenue generated from fibre connections. There will also be greater flexibility to replace and/or relocate poles supporting telecommunication lines.		

[6] Moore, D., Loan, J., Wyatt, S., Woock, K., Carrick, S., Hartmann, Z., "The cost of consenting infrastructure projects in New Zealand" (July 2021), accessed here: https://media.umbraco.io/te-waihanga-30-year-strategy/py0p420w/the-cost-of-consenting-infrastructure-projects-in-new-zealand.pdf on 11 December 2024, pg. 49-50.

	WISPs	WISPs would experience similar benefits to MNOs/TowerCos for their fixed-wireless networks and Chorus/other LFCs for their fibre networks (as identified above), reducing consenting costs. Permitting taller poles in rural zones will help support WISPs to overcome coverage obstacles, such as trees and shelter belts. Amending the cabinet sizes and grouping rules will support co-location and resilience upgrades. Amending permitting antenna dimensions will support rural connectivity solutions (such as using digital microwave radio for backhaul at remote sites where it is not cost effective to connect to fibre) and performance (as larger antennas provide greater capacity). New standards for renewable electricity generators (from solar and wind) will also support new or upgraded WISP sites that are often in more remote parts of the country and so rely on these for power.		
Central government		Proposed changes to NES-TF will support broader objectives to support housing growth and densification. The changes will incentivise increased co-location, the construction of fewer poles that are higher, and use of renewable energy generators on rural sites, which will support New Zealand's Emissions Reduction Plan.	***Medium*** Regulatory barriers through consenting costs are one of several issues that contribute to delays deploying telecommunication facilities for new housing developments or to support urban densification.	***Low*** There is limited available evidence on the extent to which NES-TF changes will have these impacts, as they depend heavily on future network build plans.
Councils		The proposed changes to NES-TF are expected to reduce the overall complexity and burden for local government regulators. As telecommunications technology and the built environment have changed and NES-TF has not, councils have been required to develop RMA plan rules to fill the regulatory gaps. The proposed changes will reduce the costs for each consenting authority to update its RMA plan to reflect changes to telecommunications technology and the built environment.	***Medium*** This will be assessed further through public consultation.	***Low*** Pending consultation.
Local communities		We anticipate that the reduced consenting and planning costs, as well as certainty of process and outcome for telecommunication providers, will speed up the roll-out of a range of upgrades to telecommunication facilities. For example, this includes the roll-out of 5G mobile services to more locations around the country, battery upgrades for resilience and rural connectivity enhancements. We would expect to see a reduction in the timeframe for deployment of these network upgrades. Note however that it is not possible to fully quantify these anticipated benefits as they vary according to the future network development of each telecommunication provider. Telecommunication providers are private companies and have network build plans primarily driven by commercial feasibility. The estimated savings for telecommunication providers would apply downward pressure on prices for consumers. However, it is not possible to accurately predict or measure this.	***Medium / High***	***Low*** The network benefits cannot be quantified because estimates provided by the telecommunications sector are indicative only and vary according to future network development. Telecommunication providers are private companies and have network build plans primarily driven by commercial feasibility.
Iwi/Māori		The proposed changes to NES-TF would have similar connectivity benefits for Māori and non-Māori (supporting the roll-out of faster, more resilient telecommunication services and removing and removing a cost barrier to improving rural connectivity).	***Medium*** This will be assessed further through public consultation.	***Low*** Pending consultation.
Environment		The changes would make it easier to build new taller poles and for multiple network operators to co-locate equipment, instead of using more materials that are harmful to the environment and contribute to climate change (ie steel poles) to build more short poles. Streamlining the consenting process for new renewable energy generators is expected to reduce total carbon emissions produced from telecommunication facilities in rural areas over time.	***Medium*** This will be assessed further through public consultation.	***Low*** Pending consultation.

Section 3: Delivering an option

How will the proposal be implemented?

Timing and process

64. Councils will primarily be responsible for implementing NES-TF changes into their RMA plans and for enforcing compliance. District councils and unitary authorities have responsibility for land-use and must include NES rules within their district plans. Regional councils must give effect to NES where it applies to their regional functions in regional plans.

65. NES rules must also be incorporated into RMA plans as soon as practicable. As regulations, the NES will override all RMA plans and must be observed and enforced by all councils, even in the case where the NES has not yet been incorporated into the RMA plan. Following consultation and final decisions from the Government on changes to NES-TF, the updated NES-TF would take effect 28 days after it is gazetted.

66. Officials anticipate that the key amendments to NES-TF will be finalised by the end of 2025. The 28-day window between gazettal of NES-TF and the day the instrument comes into force is intended to provide MBIE, MfE, local authorities and the telecommunications sector sufficient time to prepare to give effect to NES-TF changes. The preparation will include local authorities familiarising themselves with the contents of NES-TF and central government providing support by developing non-statutory guidance materials (including updating the NES-TF User Guide).

Implementation costs

67. Implementation costs for councils will be low (likely less than $1 million in total, although this will be tested further through consultation) and offset by the significant reduction in costs for RMA plan changes that would otherwise be needed under the status quo. Councils can recover implementation and enforcement costs through council rates, or directly from telecommunication providers (where permitted to do so under the RMA).

Implementation risks

Lack of adequate monitoring and enforcement may increase non-compliance

68. The proposed changes to NES-TF will reduce council oversight of new or upgraded telecommunication facilities through the resource consent processes. This will increase dependence on effective monitoring and enforcement by councils to ensure compliance with NES-TF and the RMA. If councils do not have adequate measures in place to monitor and enforce compliance with NES, there is a risk that these changes may increase the risk of non-compliance which could increase the risk of adverse environmental impacts. There is currently an insufficient quality of information to assess council monitoring and enforcement capabilities. Through public consultation, we will seek feedback on how best to assess monitoring and enforcement from councils.

Lack of evidence on costs and benefits

69. Much of the evidence on the costs and benefits of the proposed changes has been provided by the telecommunications sector and cannot be easily quantified. For

example, telecommunication providers have indicated that changes to NES-TF would support faster upgrades (such as the 5G roll-out, battery upgrades and improvements to rural connectivity). These benefits may be overstated and implementation costs may be underrepresented. Officials have also had limited engagement with local communities and iwi/Māori on the proposed changes to NES-TF. As a result, there may be additional costs or risks associated with implementing proposals. We will seek further supporting evidence on the costs and benefits through public consultation.

70. Officials have not engaged with local communities and iwi/Māori on the changes yet. As a result, we cannot fully determine the costs and risks associated with implementing the proposals within this regulatory impact statement, particularly the quantifiable costs associated with environmental and cultural impacts of infrastructure development. We have been able to evaluate the potential impacts but have not fully tested them with the affected parties such as iwi/Māori. Public consultation on the proposed changes will provide an opportunity to seek feedback from affected parties and test our assessment of the impacts.

Risk of judicial review will be assessed as part of the final impact assessment

71. Section 43(A)(3) of the RMA requires NES cannot include permitted activity rules with significant adverse effect. We consider that the proposed changes to NES-TF will not have significant adverse impacts on natural environmental values articulated in section 6 of the RMA, and so we anticipate it is unlikely a judicial review of the changes would be successful. However, this will be assessed as part of the final impact assessment accompanying the Cabinet paper seeking final decisions on changes.

How will the proposal be monitored, evaluated, and reviewed?

Monitoring and enforcement

72. In terms of NES rules enforcement, every consent authority must enforce the observance of NES to the extent to which their powers enable them to do so.[7] There is currently an insufficient quality of information measuring the effectiveness of policy interventions and changes in the environment over time. The National Monitoring System collects, collates and publishes data from all local authorities on their implementation of the RMA, however, these surveys collect data from local authorities mainly on their resource consenting functions.

73. Possible monitoring interventions that officials consider could be used by local authorities could include collecting consent data from councils that include Geographical Information Systems (GIS) characteristics or data on telecommunications networks in their GIS mapping systems. We consider there could be merit in seeking feedback on what would be required to enable better data capturing and comparison.

Evaluation and Review

74. There are no longer requirements to undertake evaluation for appropriateness, costs and benefits of national direction proposals against Part 2 of the RMA since the Resource Management (Freshwater and Other Matters) Amendment Act 2024 removed this requirement.

[7] Section 44(A)(8), RMA.

75. The Government is currently developing legislation to replace the RMA and Ministers have signalled that national direction should be carried over into the new replacement legislation, where this aligns with the new legislation and the Government's objectives. Officials recommend that NES-TF include a review clause requiring that central government review the NES-TF, within six years of the changes taking legal effect.

76. We would expect to see a decrease in the number of new or upgraded telecommunication facilities requiring resource consents recorded in the resource management consents dataset administered by MfE, with more activities permitted by NES-TF. This would result in a reduction in consenting and planning costs incurred by telecommunication providers. It is not possible to measure the extent to which these changes would slow potential price increases passed onto consumers.

77. We would expect to see more rapid deployment of new or upgraded telecommunication facilities (eg 5G services and battery upgrades). For each new or upgraded facility that no longer requires a resource consent due to proposed NES-TF changes, we would expect to see an average reduction of three months in deployment. Note however that the network benefits cannot be quantified because estimates provided by the telecommunications sector are indicative only and vary according to future network development. Telecommunication providers are private companies and have network build plans primarily driven by commercial feasibility.

Annex A: Glossary of terms

Antenna – a device that receives or transmits radiocommunication or telecommunication signals. This includes both panel antennas (pictured opposite on the left) and dish antennas (pictured opposite on the right).

Cabinet – a casing around equipment that is necessary to operate a telecommunication network. Pictured on the right is an example of a Spark cabinet servicing a mobile tower.

Co-location – where a facility operator of a wireless network facility (such as a mobile tower) co-locates the equipment (ie antennas or cabinets) of another facility operator on the same facility.

District Plan zones – the zones as identified in district plans in line with the National Planning Standards zone definitions (current version found online here: https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf).

Fibre – fibre-optic cables and associated equipment that allow optical transmission between points at very high speeds.

Headframe – a structure attached to a pole that enables more than one antenna to be attached to a pole (an example of a 2.2m diameter headframe with six antennas attached is shown on the right).

Heritage building – for the purpose of proposed new regulated activity standards for customer connection lines, this means a building identified in a relevant district plan or proposed district plan as being subject to historic heritage values, but excludes wāhi tapu without buildings and archaeological sites.

LFC – Local Fibre Company as defined in section 156AB of the Telecommunications Act 2001, which includes Chorus, Tuatahi First Fibre Limited, Enable Networks Limited and Northpower Fibre Limited.

MDRS – Medium Density Residential Standards includes requirements, rules, density standards, objectives, and policies for local authorities to enable higher density housing development. This includes allowing for residential units of up to three storeys.

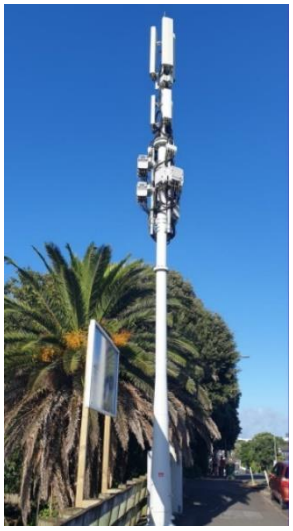
MNO – Mobile network operator. There are three major MNOs in New Zealand: 2 Degrees Mobile Limited (**2Degrees**), One New Zealand Group Limited (**One NZ**), and Spark New Zealand Limited (**Spark**).

NES – National Environmental Standards, which are secondary legislation prepared by central government to establish nationally consistent rules or methods in accordance with section 43-44 of the RMA.

NPS – National Policy Statements, which are prepared by central government in accordance with section 45-55 of the RMA to provide policy on matters of national significance.

Notional envelope – for a pole, this means the notional cylindrical shape into which all non-dish antennas attached to the pole would fit. This includes any shroud casing (a covering for antennas and other equipment to help protect and reduce visual effect) but excludes any mount or ancillary equipment.

Pole – a pole, mast, lattice tower, or similar structure, of a kind that can be used (with or without modification) to support antennas. This may include electricity poles or poles with streetlights. Pictured opposite to the left is a common example of a monopole with antennas, on the upper right is an example of antennas installed on a streetlight pole and on the lower right is a lattice tower, more commonly found in rural areas.



PSGE – Post-Settlement Governance Entity.

Public Safety Network – the new communications service for frontline emergency services responders (Ambulance, Fire and Police) managed by NGCC.

RMA – The Resource Management Act 1991. The RMA is New Zealand's primary source of environmental and planning law.

RMA Plans – district, regional or unitary plans.

Road reserve: a formed legal road and any land next to it up to the legal boundary of the adjoining land or designated or Transport zone or corridor.

Telecommunications Act 2001 – The Act that provides the regulatory underpinning for our telecommunications networks.

Telecommunication provider / provider – for the purpose of this regulatory impact statement, the term telecommunication provider is used to refer to a facility operator that is subject to NES-TF. This includes a network operator (as defined in section 5 of the Telecommunications Act 2001), the Crown, or a Crown agent.

TowerCo – Tower Companies, which since 2022 have purchased and become responsible for operating passive mobile tower infrastructure assets formerly owned by MNOs. The largest TowerCos are Connexa (which owns Spark's and 2Degrees' mobile tower infrastructure assets) and FortySouth (which is consortium responsible for One NZ's mobile tower infrastructure assets).

UFB – The Ultra-Fast Broadband initiative was the competitive tender programme to develop fibre-to-the-premises broadband, with the support of $1.75 billion of Government investment.

WISP – Wireless internet service providers are regional telecommunication providers that predominantly offer internet access using fixed-wireless technology. Some WISPs are also expanding fibre. WISPs generally provide terrestrial broadband internet in rural areas where other telecommunication providers may not operate.

Annex B: Summary of district plan rules on pole heights by zone (as at November 2024)

Key

	Permitted activity in the plan (or proposed plan) aligns with or exceeds proposed changes in Option 1 and so meets operational need for taller poles most of the time.
	Permitted activity in the plan (or proposed plan) aligns with or exceeds proposed changes in Option 1 in some cases and so sometimes meets operational need. Note that 15-20m for residential and 25-35m for rural are adjudged to sometimes meet operational need.
	Permitted activity in the plan (or proposed plan) does not align with proposed changes in Option 1 and so often does not meet operational need.
RD	Restricted discretionary activity – requires a resource consent before it can be carried out. The consent authority can exercise discretion as to whether to grant consent and to impose conditions, but only in respect of those matters over which it has restricted its discretion.
D	Discretionary activity – requires a resource consent before it can be carried out. The consent authority can exercise full discretion as to whether to grant consent and as to what conditions to impose on the consent if granted.
NC	Non-complying activity – A NC activity requires a resource consent before it can be carried out. A resource consent can be granted for a NC activity, but first the applicant must establish that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives of the relevant plan.
HIRTB	Height-in-relation-to-boundary setback (note this is separate from rules in section 55 of NES-TF relating to radio frequency exposure)
N/A	The zone does not feature in the district plan.
Adjoining zone	For poles in the road reserve, this means that where NES-TF regulated activity standards do not apply, the height limit adopts the specified height limits in the adjoining zone outside of the road reserve.
*Where two heights are cited, the higher height is where the pole supports co-location of multiple facility operators (unless otherwise specified)	

		Zones					
No.	**District plan**	**Road** *reserve*	**Outside of road reserve**				**Type of activity (if not permitted)**
			Residential	**Rural**	**Commercial**	**Industrial**	
1	*Northland*	NES-TF	NES-TF	NES-TF	NES-TF	NES-TF	RD / D (rural)
2	*Kaipara*	Adjoining zone	15m	18.5m	20m	20m	RD
3	*Whangārei*	Adjoining zone with HIRTB** setback	8 / 11m*	8 / 10m	15m	20 / 35m	D
4	*Auckland*	NES-TF	NES-TF	25m	25m	25m	RD / D (residential)
5	*Thames-Coromandel*	15m with HIRTB setback	15m	25m	20m	20m	RD
6	*Waikato*	Adjoining zone with HIRTB setback	15m	25 / 30m	20m	25 / 30m	RD / D (residential)
7	*Hauraki*	NES-TF	NES-TF	20m	N/A	20m	D (rural and industrial) otherwise NC
8	*Franklin*	NES-TF	11m (8m in some subzones)	25m	16m (10m in some subzones)	25m	RD
9	*Matamata-Piako*	NES-TF	NES-TF	25m	25m	25m	D
10	*Waipa*	15m in residential, 20m in other zones	NES-TF	25m	20m	25m	RD / NC (residential)
11	*Hamilton*	Adjoining zone	15m	15m	24 / 26m	24 / 26m	RD
12	*Ōtorohanga*	Adjoining zone	7m	20m	7m	7m	D
13	*South Waikato*	Adjoining zone	20m	25m	20m	25m	RD
14	*Waitomo*	NES-TF	NES-TF	25m	NES-TF	25m	RD / D (residential and commercial)
15	*Taupo*	Adjoining zone	10m	20m	15m	20m	RD

16	*Tauranga*	26m with HIRTB setback	NES-TF	26m	26m	26m	RD / D (residential)
17	*Western Bay of Plenty*	10m	NES-TF	20m	20m	20m	D (residential exceeding 20m NC)
18	*Rotorua*	13m	NES-TF	25m	20m	25m	RD / D (residential)
19	*Kawerau*	25m	25m	25m	25m	25m	RD
20	*Whakatāne*	13m	13m (including rural coastal)	28m	13m	28m	D
21	*Ōpōtiki*	15 / 25m	9m	25 / 30m	20m	25 / 30m	RD
22	*Gisborne*	Adjoining zone / NES-TF	20m	20m	10 / 12 / 14m	20m	RD
23	*Wairoa*	Adjoining zone	15m / height limit plus 5m	15m / height limit plus 5m	17m / height limit plus 5m	15m / height limit plus 5m	D
24	*Hastings*	25m	25m	25m	25m	25m	RD
25	*Napier*	Adjoining zone	15m	20m	20m	25m	RD
26	*Central Hawkes Bay*	Adjoining zone	13m	25m	17m	17m	RD
27	*New Plymouth*	Adjoining zone	15m	25 / 30m	20 /25m	25 / 30m	RD
28	*Stratford*	Adjoining zone	12m	20m	20m	20m	D
29	*South Taranaki*	Adjoining zone	18m	25 / 30m	25m	25m	RD
30	*Ruapehu*	Adjoining zone	NES-TF	25m	20m	20m	RD / D (residential)
31	*Whanganui*	NES-TF	20m	25m	20m	25m	RD
32	*Rangitikei*	Adjoining zone	15m	25m	15m	25m	RD
33	*Manawatū*	Adjoining zone	9 / 14m	25 / 30m	22 / 27m	22 / 27m	RD
34	*Tararua*	Adjoining zone	15m	20m	15m	20m	D
35	*Palmerston North*	Adjoining zone	12m	25m	20 / 25m	25 / 28m	RD
36	*Horowhenua*	Adjoining zone and NES-TF (with HIRTB setback)	13.5m	20 / 25m	15 / 20m	25m	RD
37	*Kapiti Coast*	Adjoining zone	12 / 15m	18 / 21m	15 / 18m	25 / 28m	RD
38	*Wairarapa*	Adjoining zone	15m	25 / 30m	20m	25 / 30m	RD
39	*Porirua*	Adjoining zone	NES-TF	25 / 30m	5m above building zone height	25 / 30m	RD
40	*Upper Hutt*	Adjoining zone (with 10m residential HIRTB setback)	NES-TF	15 / 20m	20 / 25m	25 / 30m	RD
41	*Hutt City*	Adjoining zone	NES-TF	15 / 20m	20 / 25m or 15 / 18m (dependent on sub-zone)	25 / 30m	RD
42	*Wellington City*	Adjoining zone	Zone height plus 5m (plus 10m for co-lo)	Zone height plus 5m (plus 10m for co-lo)	Zone height plus 5m (plus 10m for co-lo)	Zone height plus 5m (plus 10m for co-lo)	RD
43	*Tasman*	Adjoining zone	10m	25m (10m in rural residential)	10m	20 / 25m	RD

44	*Nelson*	Adjoining zone (with HIRTB for residential)	10.5m	25m	18m	12m	RD
45	*Marlborough*	25m / 30m	25m / 30m	25m / 30m	25m / 30m	25m / 30m	D
46	*Buller*	1m above NES-TF	15m	25 / 30m	15m	20m	RD
47	*Grey*	1m above NES-TF	15m	25 / 30m	15m	20m	RD
48	*Westland*	1m above NES-TF	15m	25 / 30m	15m	20m	RD
49	*Kaikōura*	Adjoining zone	15m	25m	20m	N/A	RD
50	*Hurunui*	Adjoining zone	10m	35 / 40m	15m (with guy lines) / 20m (no guy lines)	15m (with guy lines) / 20m (no guy lines)	RD
51	*Christchurch*	25 / 30m	20m	25 / 30m	25 / 30m	25 / 30m	RD
52	*Waimakariri*	18m adjacent residential and special purpose / 25m other	18m	35 / 40m	25 / 30m	25 / 30m	RD
53	*Selwyn*	Adjoining zone	15m	35 / 45m	20-25m (depending on sub-zone)	25 / 30m	RD
54	*Ashburton*	Adjoining zone (with HIRTB for residential)	15m	30m	25m	25m	RD
55	*Timaru*	Adjoining zone	45° HIRTB recession plane from 3m above the site boundary	45° HIRTB recession plane from 3m above the site boundary	45° HIRTB recession plane from 3m above the site boundary	45° HIRTB recession plane from 3m above the site boundary	RD
56	*Mackenzie*	Adjoining zone (with HIRTB for some zones)	11.5-12 / 16.5 -17m	25 / 30m rural lifestyle 35 / 40m other	11.5-12 / 16.5 -17m (neighbourhood and mixed-use zones), 20 / 25m all other	25m	RD
57	*Waitaki*	Adjoining zone (with HIRTB)	12m	12m rural residential 25m other rural	12m	12m	RD
58	*Waimate*	Adjoining zone (with HIRTB setback for residential)	8m	25m	15m	20m	RD
59	*Queenstown Lakes*	11m	18m (high-density residential), or 11m	25m	15 / 18 m	18 m	D
60	*Central Otago*	Adjoining zone	NES-TF	20m	NES-TF	20m	D
61	*Clutha*	NES-TF	NES-TF	25m	NES-TF	25m	RD / D (residential)
62	*Dunedin*	Adjoining zone (with multiple HIRTB setbacks)	Building zone height plus 5m	25m	Building zone height plus 5m	25m	RD
63	*Southland*	Adjoining zone (with HIRTB setback for residential)	15m	25m	N/A	25m	D
64	*Gore*	NES-TF	13m	25m	13m	25m	RD
65	*Invercargill*	NES-TF	10m	25m	10 / 15 / 20m in different subzones	15 / 25m in different subzones	D
66	*Chatham Islands*	Adjoining zone	12m	12m	N/A	15m	D