



Ministry for the
Environment
Manatū Mō Te Taiao



**Ministry of Business,
Innovation & Employment**

Proposed amendments to the National Environmental Standards for Telecommunication Facilities 2008

Recommendations for proposed amendments

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1 Introduction

1.1 Background

The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations (NESTF) came into effect in 2008. The NESTF was developed to provide a nationally consistent planning framework for a small range of telecommunications infrastructure on road reserves that have low environmental impact, as well as the radiofrequency fields of all telecommunication facilities operated by a network operator licensed under the Telecommunications Act 2001.

To ensure the NESTF continues to meet its objectives, proposals were made to widen the scope of the current NESTF to bring it up to speed with the rapid development of the telecommunications sector since 2008. The *Proposed Amendments to the National Environmental Standards for Telecommunication Facilities: Discussion Document* was released by the Ministry for the Environment and Ministry of Business, Innovation and Employment on 3 March 2015 for public consultation for a period of six weeks.

The proposed amendments, as notified for consultation, address multiple issues in relation to both widening the scope of the NESTF and making minor amendments to the NESTF mainly for clarification. The issues and subsequent proposed amendments were set out in the discussion document.

Along with the discussion document, the Ministry for the Environment and the Ministry of Business, Innovation and Employment also released the:

- *Report of the outcome evaluation of the National Environmental Standards for Telecommunication Facilities*
- *Proposed amendments to the National Environmental Standards for Telecommunication Facilities: Preliminary evaluation under section 32 of the Resource Management Act 1991*
- *Report on Environmental effects of implementing ultra-fast broadband and mobile infrastructure.*

Officials also sought technical advice from a Technical Advisory Group (TAG), consisting of local government, telecommunications network operators, and an iwi organisation representative, who provided technical advice to inform the proposals.¹ The TAG's advice was provided through a workshop with all members, as well as through informal consultation. The TAG did not always provide a group recommendation to the Ministry for the Environment and the

1 Members were Local Government New Zealand, Wellington City Council, NZ Telecommunications Forum, Tasman District Council, Porirua City Council, Chorus Ltd, Northpower Fibre Ltd, Enable Network Services Ltd, Spark New Zealand Ltd, 2Degrees Mobile Ltd, Vodafone New Zealand Ltd, Te Runanganui o Ngāti Porou, Crown Fibre Holdings, Ngā Pū Waea and Auckland Council.

Ministry of Business, Innovation and Employment as its members' perspectives were diverse. Advice from TAG members was incorporated into the final proposal decisions outlined below.

1.2 Purpose

This report presents an overview of the submissions received on the proposed amendments, and the resulting recommendations on the proposed amendments to the NESTF. The recommendations in this report are informed by submissions on the discussion document, as well as TAG advice. It also fulfils the statutory requirement as a report and recommendation to the Minister for the Environment on the comments received during consultation and provides an analysis of views contained in submissions. The appendices' set out in full the list of recommendations to the Minister for the Environment for amending the NESTF.

A Report on Submissions, which provides a more detailed summary of the views expressed in submissions but does not provide comment or analysis, is published separately.

2 Overview

There were 145 responses received from submissions to the public consultation process.

The majority of local government, iwi organisations, industry and professional associations, and government agency submissions that commented on the proposals in the discussion document stated support for the general purpose and direction of the proposed amendments. However, many of the submissions in scope also stated the importance of striking a balance between national consistency and recognising local conditions. Key areas of comment from submissions are summarised below.

Two thirds of the submissions received were not on the proposals in the discussion document, but from individuals or community groups concerned about the perceived health effects of radiofrequency exposure who requested that the maximum radiofrequency field exposure limit incorporated by reference in the NESTF be reviewed. The vast majority of these were pro-forma submissions.

The current exposure limit in the maximum radiofrequency field exposure limit is based on international guidelines that have used analysis of scientific literature, and safeguard against all identified hazards of radiofrequency field exposure levels. The standard was confirmed as still being relevant in the 2013 review of the NESTF. The discussion document stated that reviewing this standard is not within the scope of the proposed amendments to the NESTF. As such, submissions which commented only on this standard were therefore considered to be out of scope.

3 General comments and recommendations on the proposals

This section outlines some of the key changes recommended as a result of the submissions process.

3.1 Visual effects

The most frequent concern raised about each of the proposals was the potential adverse visual effects that the infrastructure would have. This was a concern raised by local government, iwi organisations, community groups, and individuals. In particular, submitters were concerned with the increases in size from existing infrastructure, and the potential for cumulative size increases at each site.

We recommend amending the proposals to avoid cumulative size increases of infrastructure in sites. In addition to this, a maximum size envelope for ancillary equipment has been introduced for aerial cabling and small cell units, which was a key concern for a number of councils.

The discussion document proposed the use of setbacks in rural areas to mitigate visual impacts of masts and antennas. The setback requirements proposed were: a setback of 50 m from areas zoned residential in the relevant district plan, and a setback of 50 m from dwellings and sensitive buildings such as childcare and educational facilities.

Most district plans manage the change in character from rural and residential zones by classifying land on the edges of these zones as 'rural-residential', with corresponding changes in rules and requirements to match the character of the area.

We recommend clarifying that rural-residential zones are not included in the proposal for new masts and antennas in rural areas. This will provide better protection for more visually sensitive areas than a simple setback rule from residential zones. Therefore, we recommend to retain only the 50 m setback from dwellings and sensitive buildings alongside this clarification.

3.2 Effects of earthworks

Telecommunications industry submitters wanted to ensure that earthworks for the installation of all proposed permitted infrastructure would be permitted. However, permitting earthworks in all areas caused concern for local government and iwi submitters, particularly for underground cabling and in rural areas. Half of local government submissions suggested the need for further control around earthworks.

In light of this, we recommend that earthworks be permitted provided that environmental effects are managed through conditions relating to limits on erosion, drainage, dust, and debris control. Any trees that might be disturbed in this process must also not be scheduled in the relevant district plan. For new masts and antennas in rural areas, we also recommend to require the reinstatement or replacement of vegetation to the extent possible.

3.3 Cultural effects

Protecting culturally significant sites was an issue raised by both local government and iwi organisations across many of the proposals. The NESTF allows district plans to provide more stringent rules than the NESTF to manage areas of historic heritage significance, which includes areas of cultural significance. However, iwi and councils have submitted that there are a number of sites of significance to Māori not listed in district plans. This could mean the amended regulations are perceived as not sufficiently protective of wāhi tapu, as the scope of the activities in the NESTF is expanded outside the road reserve.

We commissioned an independent report on the anticipated cultural effects of these changes, which has found that overall the proposals would not have a significant adverse cultural effect, but rather the potential for this would vary from area to area. However, the adequacy of district plans to provide protection is not an issue that can be solved by an NES.

We propose to update the Users' Guide that accompanies the NESTF in conjunction with industry, councils and iwi to provide advice and direction on this issue.

Some iwi submitters suggested the consultation process ought to involve discussions with individual iwi to take into account the regionally-specific needs of their rohe. However it was considered that the process was designed to create nationally consistent rules and to determine which situations should be managed through district plans where this is appropriate.

3.4 Protection of special areas

Under section 43A(3) of the Resource Management Act 1991 (RMA), a national environmental standard (NES) must not state that an activity is a permitted activity if the activity has significant adverse effects on the environment. Based on advice in the Report on Environmental Effects and from submissions, we consider the proposed amendments to the NESTF under some circumstances, depending on the receiving environment, the new activities proposed to be classified as 'permitted activities' may have significant adverse effects.

The existing NESTF complies with the section 43A(3) requirement by setting conditions protecting trees and vegetation, historic heritage values, visual amenity values, and coastal marine area, in regulation 6. If the area is identified in the relevant district plan as having historic heritage values or visual amenity values, the district plan rules prevail. District plan rules also prevail if the facility is located in the road reserve on the same side of the road as and next to a coastal marine area, and if the facility is to be located in the drip line of a tree and the activity would require a resource consent if not for the NESTF.

In expanding the scope of the NESTF outside the road reserve, while adding additional permitted activities, there is a risk that the proposed amendments to the NESTF would not comply with section 43A(3) as the existing protections apply to too limited a range of sensitive environments to mitigate the potential significant adverse effects of this expanded scope. We recommend expanding the protections for historic heritage areas, visual amenity value and the coastal marine area in regulation 6 of the NESTF to activities both inside and outside the road reserve. Where a tree is listed in a schedule in a district plan for its significance, we recommend that it is protected through new conditions controlling earthworks (outlined in the following section), rather than by expanding the part of regulation 6 protecting trees and vegetation to apply outside the road reserve.

The majority of submitter comments on the areas where district plan rules should prevail over the NESTF related to the proposal to add natural hazard areas into the list of areas in the NESTF which are managed by district plans. While there was support for this proposal, we have found little specific evidence of the benefit from managing natural hazard zones in this way.

We consider that the processes already in place under legislation such as the Building Act 2004 and industry practices that already require the appropriate placement of facilities in zones where there may be natural hazard risks are adequate for managing this risk.

Telecommunications operators generally avoid placing infrastructure in these areas where possible, due to the costs associated with additional strengthening and hazard avoidance. However, if placement in these areas is needed to meet customer demand, industry works with information from councils to engineer a solution.

As requested in the discussion document, some submitters also suggested other areas which may be more suited to management by the district plan than the NESTF. It was noted that some areas are listed in district plans for the purposes of protecting indigenous plant life or native bird habitats, but are not covered under the existing NESTF visual and historic heritage protections. These areas may be particularly sensitive to the installation of telecommunications infrastructure.

We therefore recommend expanding the protections to include additional types of environments with specific protections in the relevant district plan. We recommend that the additional protections be aligned with the matters of national importance in section 6 of the RMA, as district plans frequently use these in their zoning. We recommend regulation 6 be expanded so that district plan rules prevail if the relevant district plan specifically identifies an area for protection in relation to one of the following matters:

- the protection of outstanding natural features and landscapes
- the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Allowing district plan rules to manage telecommunications infrastructure in these areas should not affect the appropriate placement of facilities and rollout of key infrastructure, and would ensure an appropriate balance between national consistency and community participation in areas protected for their ecological significance.

3.5 Facilitating network deployment

In their submissions, the telecommunications industry made suggestions for areas where network deployment could be further facilitated, without resulting in adverse visual effects. A suggestion we recommend adopting is the removal of the 15 m height requirement for antennas on buildings in commercial, industrial and rural areas, where there is less visual sensitivity from taller surrounding buildings, and effects are more easily absorbed.

The NESTF currently permits dish antennas up to a maximum diameter of 0.38 m. The telecommunications industry submitted that dish antennas up to a maximum diameter of 1.2 m be permitted on buildings, as well as the panel antennas currently proposed. A review of district plans has found that most district plans classify the installation of dish antennas of 1.2 m diameter as a permitted activity. Increasing the size of the dish antennas permitted through the NESTF would therefore not result in a more lenient regime in most areas than the *status quo*, but would help the NESTF achieve its objectives to assist in network and equipment design and equipment sourcing for roll outs and reduce compliance costs and timeframes for service providers.

The telecommunications industry noted that the timeframe for removing replacement cabinets suggested in the discussion document would not provide for replacements where the cabinet is being installed to transition onto a new network, such as moving from a copper-based to a fibre-based service. This is because the transfer cannot be completed until end users of the original network choose to move to the new service. In addition, many submitters considered the 12 month window proposed for cabinet replacements was too long and unnecessary.

To account for these issues we recommend:

- shortening the timeframe for straight replacements from 6 months to 3 months
- removing the suggested 12-month requirement for removal of new network cabinets.

As the majority of new cabinets installed for fibre networks are located underground, this is not expected to have a significant visual impact.

3.6 Application of the National Environmental Standards for Telecommunication Facilities

The discussion document also proposed that the provisions in the NESTF apply to the infrastructure of telecommunications network operators, the Crown, and Crown agents – an extension of the current NESTF's application to only network operators. This is to ensure government organisations that operate, or may operate in future, their own telecommunications networks, such as those for emergency services, are subject to these same provisions.

In their submission on the discussion document, the New Zealand Police noted that, by proposing to expand the NESTF beyond the road reserve, their utility buildings could be inadvertently captured by the definition of 'cabinet'. Since these buildings are larger than the

size allowance for cabinets, they would therefore be subject to resource consenting requirements where they are not currently.

For clarity, we therefore recommend excluding utility buildings able to be entered by a person from the definition of cabinets.

A number of submitters in the electricity industry raised the question of whether the NESTF should apply to operators in this sector. This is detailed in the summary of submissions. Some suggested that the NESTF should apply to more parties than telecommunications network operators, citing an increased crossover between telecommunication facilities and electricity network facilities (such as smart meters). Others stated that the current scope for NESTF application is too wide and creates a cost in the form of radiofrequency reporting requirements for electricity sector companies who have sought network operator status under the Telecommunications Act 2001, without adding any benefit to them.

The interaction of telecommunications facilities with electricity infrastructure trends will be monitored on an ongoing basis, and can be further addressed when the NESTF is next reviewed in approximately five years' time. At this point, we do not consider the crossover or convergence is sufficient to be incorporated into this round of amendments of the NESTF.

3.7 Reference to radiofrequency field standards

The New Zealand Standard referenced in the NESTF that specifies calculation and measurement methods for radiofrequency fields has been replaced with an updated Australia/New Zealand exposure assessment standard. As the new standard supersedes the old standard, we recommend updating this reference in the NESTF. This standard will not affect the maximum exposure limits.

The current exposure limit is based on international guidelines that have used careful analysis of scientific literature, and offer protection against all identified hazards of radiofrequency field exposure levels. The Ministry for the Environment received advice in the 2013 review of the NESTF that this standard remains relevant. As such, a review of the exposure standard is not within the scope of the proposed amendments.

4 Comments and recommendations by activity

This section outlines key changes as they apply specifically to proposed new permitted activities. Note that the conditions are detailed in full Appendix A.

4.1 Telecommunication cables

The current NESTF does not provide for telecommunications cables.

We recommend that deploying telecommunications cables aerially be permitted in areas where aerial cabling already exists, provided that the restrictions on diameter specified in Appendix A are met. It is also proposed that installation of associated ancillary equipment be permitted, subject to volume limits. The size limits on cabling and ancillary equipment will mitigate the visual impact while allowing for the equipment necessary for the operation of the facility.

We recommend that telecommunications cables deployed underground in the road reserve, as well as any ancillary equipment required be permitted. The visual effects of underground infrastructure are minor and most district plans are choosing to incentivise this method of cabling.

4.2 Earthworks

The current NESTF has no provision for earthworks.

We recommend that all earthworks necessary for placement of the infrastructure permitted by the NESTF be permitted, provided they manage any environmental effects (sediment control, erosion, and dust) and subject to scheduled trees in planning instruments. The conditions proposed are based on those in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, with alterations which take into account feedback on the effectiveness of these standards.

4.3 Antennas

The current NESTF permits placement of antennas within a size envelope of 2m by 0.5m only on existing utility structures.

We recommend increasing this permitted size envelope to 3.5 m high and 0.7 m wide to allow for recent technological trends (such as the move for mobile networks to 4G-LTE²). We recommend that this also apply to the replacement of existing antenna with the larger sized antenna. A second antenna on an existing structure is also proposed to be permitted within these size limits, except in residential zones and on the road reserve, to mitigate the visual effects.

We recommend that antennas may be placed on the roof or side of a building, provided that certain size limits are met, and that the building is no less than 15m tall in residential zones. All cabinets necessary for the operation of rooftop antennas would be permitted.

The current NESTF does not provide for new masts supporting antennas to be built.

We recommend permitting new masts to support antennas in the road reserve, provided that they are in proportion to existing structures in the area. In addition, existing utility structures which an antenna will be placed on may be relocated by up to 5m for better positioning.

We recommend permitting a height increase of up to 5m on existing structures to allow for co-location of antennas. This activity is proposed to be permitted only once on each site, and not in residential areas or on the road reserve to mitigate the visual effects.

We recommend that new masts and antennas up to 25m high may be placed in areas zoned rural in the district plan, provided that they are located at least 50m away from dwellings, residential and educational facilities. This provides a buffer to those areas most sensitive to the visual impact of this infrastructure. The ability for co-location is already provided for in rural masts under the Rural Broadband Initiative, so it is not recommended that the NESTF allow a further height increase for co-location on 25m high masts. To mitigate environmental effects, it is also recommended that vegetation be reinstated where possible.

4.4 Small cell units³

Small cell units are not currently covered by the NESTF.

We recommend that installing small cell units and associated ancillary equipment be permitted on existing structures (eg, bus stops, cabinets, light poles, buildings), provided they fit within a maximum volume envelope.

² 4G Long-Term Evolution is a mobile broadband service capable of speeds up to 10 times faster than 3G technology.

³ Small cell units (such as microcells, picoells, femtocells, and Wi-Fi) can service smaller areas and fill in gaps in the coverage of larger antennas.

4.5 Cabinets

The current NESTF permits telecommunications cabinets, with limits on size according to placement location. Location relates to both the district plan zone, and the cabinet's proximity to other cabinets.

The definition of 'site' will be clarified so it encourages clusters of cabinets within a specified footprint. Sites must be located at least 30m from another site. This mitigates the visual impact of multiple cabinets in an area, while ensuring that 'site' is not interpreted as a property title.

Cabinets servicing rooftop antennas will be excluded from requirements per 'site', as including them would create an artificially restrictive limit that is not required. A natural limit exists already due to the number of antennas which may be located on any one building. Cabinets must be located within the property boundary, and must be no higher than 2m, excluding the plinth.

We recommend increasing the size of the cabinets permitted under the current NESTF in residential areas, in order to support the placement of larger antennas. The new conditions will limit cabinets to a maximum height of 1.8m, with a maximum 2 m² footprint per site. The requirement for some cabinets to be smaller than others at each site has been removed. Cabinets are predominantly standard in size and form, so can be treated more consistently across the NESTF. Conditions for cabinets in non-residential areas remain the same as in the current NESTF.

When a cabinet is being replaced by another cabinet, we recommend that the cabinets may contravene the size and distance rules in the NESTF for a maximum of three months to allow for smooth transition with minimal disruption to service. However, when a cabinet is being replaced by another cabinet in order to transition to a new network, we recommend that the cabinets may contravene the size and distance rules in the NESTF until the network transfer is complete.

Appendix A: Proposed new permitted activities

Note that the following wording is illustrative of policy intention only, and will change as a result of the drafting process.

Area	Final draft proposal – permitted activity
<p>1. Aerial telecommunications cables alongside existing cabling</p>	<p>Aerial placement of telecommunications cables by a telecommunications operator is permitted, including any necessary ancillary equipment, subject to the following conditions:</p> <ul style="list-style-type: none"> • no additional poles are installed • the total diameter of the new cabling does not exceed 30 mm • ancillary equipment does not exceed a total volumetric dimension of 0.4m³, excluding auxiliary cables, if there are any. <p>Relocation and/or replacement poles where necessary for structural or safety reasons may be up to 3 m from the original location.</p>
<p>2. Aerial telecommunications cables for customer connections</p>	<p>Aerial placement of telecommunications cables by a telecommunications operator, including any necessary ancillary equipment, is permitted for customer connections (lead-ins) from existing poles to a building.</p>
<p>3. Underground telecommunications cables</p>	<p>Underground placement of telecommunications cables and any necessary underground ancillary equipment by a telecommunications operator is permitted.</p>
<p>4. Earthworks required for installing telecommunication facilities in the NESTF</p>	<p>Earthworks are a permitted activity, subject to the following conditions:</p> <ul style="list-style-type: none"> • erosion sediment control must be applied and maintained, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area • all areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks end to avoid the adverse effects of sediment on water bodies and the coastal marine area • the earthworks must not create or contribute to— <ul style="list-style-type: none"> a. instability or subsidence of a slope or another land surface; or b. erosion of the bed or bank of a water body or the coastal marine area; or c. drainage problems or flooding of overland flow paths • soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area • the earthworks avoid creating a dust nuisance on adjoining properties • earthworks must not be carried out if it disturbs a tree or trees described in a Schedule to a district plan, including disturbing the roots

Area		Final draft proposal – permitted activity
		<ul style="list-style-type: none"> wherever possible, the ground must be reinstated following installation.
5.	New masts to carry antennas in the road reserve	The installation of a new mast in the road reserve is permitted, provided that the total height and width of the mast and antenna is no larger than it would have been if installed in accordance with Regulation 7 (of the existing NESTF) on an original utility structure within 100 m of the installation site. If there are multiple poles in the 100 m radius, operators must take the average of the poles.
6.	Relocation of replacement utility structures	A replacement utility structure may be moved to within a 5 m radius of the location of the original utility structure, provided the structure is still located on the road reserve.
7.	New antennas in the road reserve	<p>A new antenna placed on an existing utility structure in the road reserve, including any necessary ancillary equipment, is a permitted activity, subject to the following conditions:</p> <ul style="list-style-type: none"> the total height of the structure including the antenna must be no more than 3.5 m higher than the height of the existing utility structure antennas must fit within the dimensions of a cylindrical shape that, when measured along the centre line of the utility structure, is not more than 0.7 m in diameter, including the shroud replacement utility structures must not have a diameter that is more than 100 per cent wider than the original utility structure's diameter at its widest point.
8.	Replacement of existing antennas	<p>Replacing an antenna with another antenna, including any necessary ancillary equipment is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> the total height of the mast and antenna is increased by no more than 3.5 m over the height of the existing mast the diameter of any panel antenna is no more than 0.7 m the diameter of any replacement mast is no more than 30 per cent greater than the diameter of the existing mast the existing replacement utility structure was lawfully established (ie, authorised by a regulation, plan or consent under the RMA). <p>Lightning rods may extend beyond the height of the antenna.</p>
9.	Additional antennas at existing sites	<p>Installation of additional antennas on an existing mast or replacement utility structure, including any necessary ancillary equipment, is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> the total height of the mast and antenna is increased by no more than 3.5 m over the height of the existing structure the total diameter of the head frame, if there is one, or of the structure(mast, antenna and headframe), at its widest point is no more than the diameter of the existing structure plus 100 per cent the diameter of a replacement mast at its widest point is no more than 30 per cent greater than the diameter of the existing mast the area is not zoned residential in the relevant district plan or located on the road reserve

Area	Final draft proposal – permitted activity
	<ul style="list-style-type: none"> the existing replacement utility structure was lawfully established (ie, authorised by a regulation, plan or consent under the RMA). <p>Lightning rods may extend beyond the height of the antenna.</p>
10 New masts and antennas up to 25 m high and 6 m diameter in rural areas	<p>The placement of a mast and antenna in an area zoned rural in the relevant district plan is permitted, including any necessary ancillary equipment, subject to the following conditions:</p> <ul style="list-style-type: none"> the total height (of the mast and antenna) does not exceed 25 m the diameter of the mast and antenna at its widest point (excluding the concrete plinth) does not exceed 6 m the antenna is not located closer than 50 m from the closest external wall of a dwelling, residential home or educational facility if any vegetation disturbance (including trimming or removal) is required to prepare the site: <ul style="list-style-type: none"> the tree(s) must not be scheduled any vegetation disturbed must be reinstated where possible. <p>Lightning rods may extend beyond the height of the antenna.</p>
11 Co-location of multiple operators' antennas at existing sites	<p>Increasing the total height of a mast and antenna by up to 5 m over the height of the existing structure for the purposes of co-location, including any necessary ancillary equipment, is permitted up to a maximum of 25 m, subject to the following conditions:</p> <ul style="list-style-type: none"> the area is not zoned residential in the relevant district plan or in the road reserve the diameter of a replacement mast at its widest point is no more than 30 per cent greater than the diameter of the existing mast the existing replacement utility structure was lawfully established (ie, authorised by a regulation, plan or consent under the RMA). <p>Lightning rods may extend beyond the height of the antenna.</p>
12 Antennas on buildings	<p>The placement and replacement of antennas and necessary ancillary equipment on the roof or side of a building in is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> in a residential area, the part of the building to which the antenna is attached is no less than 15 m high antennas do not extend 5 m above the part of the building to which they are attached the maximum face area of a panel antenna is 1.5m² the maximum diameter of a dish antenna is 1.2 m associated cabinets are permitted. <p>Lightning rods may extend beyond the height of the antennas.</p>

Area		Final draft proposal – permitted activity
13	Cabinets servicing antennas on buildings	<p>The placement of telecommunications cabinets servicing antennas on buildings is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> • each associated cabinet must not have a footprint of more than 2 m² • the cabinets must be no higher than the height of the concrete foundation plinths, if there are any, plus 2 m • in a residential area, associated cabinets must be located within the property boundary.
14	Small-cell units on existing structures	<p>The installation of a small-cell unit on a structure including any necessary ancillary equipment is permitted, provided that each small-cell unit and the ancillary equipment do not exceed a total volumetric dimension of 0.11 m³, excluding auxiliary cables.</p>
15	New telecommunication cabinets	<p>The placement of telecommunications cabinets is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> • in a residential area, each cabinet's footprint must be no more than 1.4 m² and the total footprint per site no more than 2 m² • in a residential areas, cabinets must be no higher than the height of the concrete foundation plinths, if there are any, plus 1.8 m • in areas not zoned residential under the relevant district plan rules, the dimensions in the current NESTF apply.
16	Replacement telecommunication cabinets	<p>The placement of cabinets which exceed the maximum footprint per site is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> • where a cabinet is being installed to replace a cabinet, one cabinet is removed no later than 3 months following installation of the other cabinet • where a cabinet is being installed for a different type of service to replace a current service, one cabinet is removed as soon as practicable.

Appendix B: Proposed amendments to terminology

Terminology	Interpretation
Telecommunications cables	<p>As defined by “line” in Section 5 of the Telecommunication Act 2001:</p> <p>(a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and</p> <p>(b) includes—</p> <p>(i) any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and</p> <p>(ii) any part of a line</p>
Telecommunications operator	<p>As defined by “network operator” in Section 5 of the Telecommunications Act 2001, and the Crown or Crown agents network operator means any person declared under—</p> <p>(a) section 105 of the Telecommunications Act 2001 to be a network operator for the purposes of this Act or any provision of this Act; or</p> <p>(b) section 2A of the 1987 Telecommunications Act (as it read immediately before the commencement of this Act) to be a network operator for the purposes of that Act or any provision of that Act</p>
Telecommunication facility	<p>Telecommunication facility means—</p> <p>(a) an antenna</p> <p>(b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet</p> <p>(c) a small cell unit</p> <p>(d) aerial or underground cables.</p>
Ancillary equipment	<p>Equipment required to support the technology and frequencies deployed. Ancillary equipment may include for example, but is not limited to: power distribution unit, microwave unit, DC and surge arrestor/units, cables, remote radio unit, fibre access terminals, fibre coils, protection guards, ducting, aerial to underground connections, and feeder breakout points.</p>
Auxiliary cables	<p>(a) means any cabling leading to the antenna, small cell unit or ancillary equipment which is necessary to ensure the operation of the facility; and</p> <p>(b) does not include telecommunications cables or coils.</p>
Rural	<p>A zone/s which provides predominantly for rural type activity/businesses.</p>

Terminology	Interpretation
Rural residential	A zone/s in a rural area for the purpose of a very low density residence with opportunity for a small rural productive activity.
Residential	A zone/s which provides for predominantly forms/types of residential housing/accommodation and does not include land zoned for rural residential or countryside living purposes.
Commercial	A zone/s which provides for predominantly retail, commercial and business type activities.
Industrial	A zone/s which provides predominantly for businesses and industry both light and heavy
Antenna	As defined in the current NESTF (including the mount) but excluding small cell units (a) means a device that – (i) received or transmits radiocommunication or telecommunication signals; and (ii) is operated by a network operator; and (b) includes the mount, if there is one, for the device; and (c) includes the shroud, if there is one, for the device; and (d) is not a small cell unit
Mast	As in the discussion document: any pole, tower or similar structure designed to support antennas to facilitate telecommunications, radio communications and/or broadcasting - and does not include an antenna.
Small cell unit	A low-powered radio access node that provides improved cellular coverage or capacity and is operated by a telecommunications operator.
Natural area	An area that is protected by a district plan rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna
'Existing'	The state existing at the date the amended regulations came into force.
Site	'Site' is an area where there is a complying cabinet or sets of cabinets and where there is no more than 500mm between any two adjacent cabinets (at the closest point). Sites must be at least 30 m apart (measured from the 2 closest points of the cabinets nearest to each other). For the avoidance of doubt, a rooftop is not a site.