

**In Confidence**

**Chair, Cabinet Economic Growth and Infrastructure Committee**

**RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARDS FOR  
TELECOMMUNICATION FACILITIES) REGULATIONS 2016**

**Proposal**

1. Cabinet is asked to authorise the submission of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF 2016) to the Executive Council, in conjunction with additional policy decisions.

**Executive Summary**

2. The proposed NESTF 2016 is intended to provide greater national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand, whilst ensuring the effects on the environment are minimised and managed appropriately. Specifically, the NESTF 2016 will widen the scope of the 2008 framework by classifying more activities related to the installation of telecommunications infrastructure as permitted. This means that subject to the prescribed conditions being met, network operators will not need to seek resource consent for the installation of a wider range of telecommunications equipment.
3. On 9 September 2015, Cabinet gave policy approval to a number of proposed amendments to the existing NESTF 2008 [EGI-15-MIN-0050 refers]. In particular, to:
  - classify more activities associated with the installation of telecommunications infrastructure as permitted (subject to conditions) widening the scope of the NESTF 2008. This included the aerial and underground placement of cables; a wider scope for the placement of antennas outside the road reserve; and larger antennas to take account of new mobile technologies; and
  - make minor amendments to the existing standards in the NESTF 2008 to provide additional clarity.
4. Following Cabinet's agreement, further technical drafting and consultation with the Technical Advisory Group has taken place. This has resulted in the following key changes on which we seek the approval of Cabinet to:
  - permit the installation of surface-mounted customer connection cabling, subject to conditions; and
  - permit the installation and operation of telecommunications facilities under the rules in the NESTF 2016 in zones identified in the relevant district plan or proposed district plan as subject to natural hazard rules without any additional natural hazard related conditions.

*Technical policy changes arising during consultation*

5. In addition to agreeing to the final NESTF 2016, Cabinet is also asked to agree to a small number of other policy changes that we consider are necessary to ensure the

NESTF 2016 is workable and achieve their intended purpose of supporting the Government's ambitious connectivity aspirations.

6. We also propose that the NESTF 2008 be repealed and replaced with the proposed NESTF 2016, as we consider the new NESTF 2016 will offer better guidance and less ambiguity compared to the existing format.
7. This paper seeks Cabinet's agreement to the additional policy matters outlined above, and recommends the submission of the NESTF 2016 to the Executive Council.

## **Background**

8. National Environmental Standards (NES) are regulations made under the Resource Management Act 1991 (RMA). They provide more certainty about rules across the country by setting nationally consistent planning requirements for certain specified activities. A NES prevails over district or regional plan rules unless expressly stated that it does not, and a NES must be consistent with the purpose of the RMA to promote the sustainable management of natural and physical resources.
9. The existing NESTF 2008 provides a national planning framework that allows network operators to install some low impact telecommunications infrastructure in road reserves without the need to apply for resource consent, provided that they meet specified conditions around size, location and noise. It also sets a national standard for radiofrequency exposure for all telecommunications infrastructure.
10. Authorisation under a NES to undertake an activity does not relieve a network operator from any obligation under other legislation<sup>1</sup> nor does it authorise access to any public or private land.
11. A review in 2013 of the NESTF 2008 by the Ministry for the Environment found that while it was largely meeting its objectives, it was becoming out of date in the rapidly developing telecommunications landscape. Updating the NESTF 2008 would realise greater economic and social benefits, in particular in respect of the Government's Ultra-Fast Broadband (UFB), Rural Broadband Initiative (RBI) and Mobile Black Spot Fund (MBSF) programmes, which involve large-scale national deployment of new infrastructure.<sup>2</sup>
12. Telecommunications cabling and mobile infrastructure that are not already provided for in the NESTF 2008 are subject to significant inconsistency in district plan rules across the country, despite the infrastructure and environmental effects being largely the same. Regional variation creates uncertainty for providers, drives up compliance costs, and delays the installation of new telecommunications facilities, resulting in service delays and increased costs for consumers.
13. The NESTF 2016 will provide central direction by widening the scope of the NESTF 2008 to classify more activities associated with the installation of telecommunications infrastructure as permitted (i.e. do not require resource consent, subject to conditions). The NESTF 2016 will achieve national consistency for a greater range of low impact telecommunications infrastructure, assisting in the efficient development of

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<sup>1</sup> Such as the Telecommunications Act 2001 and the Heritage New Zealand Pouhere Taonga Act 2014.

<sup>2</sup> New infrastructure includes the installation of fibre-optic cabling, placement of new poles and antennas that provide fixed wireless broadband to rural areas, and the installation of new poles and antennas to improve coverage along main highways and tourism locations.

telecommunications networks. It will also support the Government's connectivity aspirations, whilst ensuring the effects on the environment are minimised and managed appropriately.

14. In accordance with the statutory process set out in the RMA for amending a NES, a six week public consultation was carried out from 3 March 2015 to 17 April 2015. In addition, a Technical Advisory Group consisting of key public and private stakeholders<sup>3</sup> also provided technical advice on the development of the standard.

## Policy

15. On 9 September 2015, Cabinet gave policy approval to a number of proposed amendments to the NESTF 2008 [EGI-15-MIN-0050 refers]. In particular, to:
  - classify more activities associated with the installation of telecommunications infrastructure as permitted (subject to conditions) widening the scope of the NESTF 2008. This included the aerial and underground placement of cables, a wider scope for the placement of antennas outside the road reserve, and larger antennas to take account of new mobile technologies; and
  - make minor amendments to the existing standards in the NESTF 2008 to provide additional clarity.
16. Since those Cabinet decisions, officials have undertaken targeted consultation on two exposure drafts of the regulations. As a result of feedback from the Technical Advisory Group and the need to provide further clarity in several areas, we require further policy approval for a number of changes. As such, Cabinet is asked to authorise the submission of the NESTF 2016 to the Executive Council, in conjunction with additional policy decisions.

### *Protection from significant adverse effects*

17. Under section 43A(3) of the Resource Management Act 1991, an NES must not state that an activity is a permitted activity if the activity has significant adverse effects on the environment.
18. To comply with section 43A(3) and ensure that no significant adverse effects arise from the activities permitted by the proposed NESTF 2016, Cabinet agreed to extend the protections for historic heritage, visual amenity value, and coastal marine areas (that existed under the NESTF 2008) to activities permitted under the proposed NESTF 2016.
19. In addition to this, Cabinet agreed to expand protections to include additional types of environments with specific protections in the relevant district plan, to align with matters of national importance under section 6 of the RMA:
  - the protection of outstanding natural features and landscapes; and
  - the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

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<sup>3</sup> 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.

20. These protections will ensure that local participation in community planning is maintained in areas of greatest local significance and allow rules to be more stringent in these areas. For example, if a site is identified in the relevant district plan as having historic heritage value or visual amenity value, the district plan rules prevail.
21. Outside of special areas, the potential adverse visual effects from telecommunications facilities permitted by the NESTF 2016 will be mitigated through conditions controlling height, size and location for each activity.
22. Further analysis of each activity permitted under the proposed NESTF 2016 and how protection from significant adverse effects is provided for can be found in the Evaluation Report attached in Annex 2.

### **New policy decisions**

#### *Repeal of NESTF 2008*

23. Previous Cabinet approval was for amendments to be made to the NESTF 2008 with a view to trying to achieve consistency with the previous format. However, it became apparent during drafting that the NESTF 2008 could be greatly improved and clarified. In addition, there were a large number of changes and additions required that made the NESTF 2008 format unworkable.
24. We are proposing to repeal the NESTF 2008 and replace it with the new NESTF 2016.

#### *Surface-mounted customer connection cables*

25. A new policy decision is required for surface-mounted customer connection cables.
26. Cabinet agreed that aerial (where fibre is strung along existing poles) and underground (where fibre is installed into ducts) deployment of cables for connecting fibre to properties should be included as permitted activities. However, surface-mounted cabling, which is becoming a common, low-impact way of providing customer connections, was not included in previous Cabinet decisions.
27. Surface-mounted customer connection cables are often used as an alternative to undergrounding, avoiding the need to dig up and reinstate footpaths and driveways, or to aerial deployment, which may not be appropriate due to the impact on the visual character of a property, or the absence of necessary infrastructure. Surface-mounted customer connection cables can also be used in conjunction with aerial and underground deployment to fit the receiving environment and ensure the transition from the street to private property is in keeping with the surrounding character of the area. Similar conditions for aerial cabling, such as maximum cable diameter and the use of existing surfaces, would be applied.
28. The NESTF 2016 therefore permits surface-mounted cables for customer connections, including any ancillary equipment, subject to conditions relating to size and location.

#### *Size of replacement poles for aerial cables*

29. A new policy decision is required for the size of replacement poles to carry aerial cables.
30. The 2015 Cabinet paper set out that poles could be relocated or replaced. It has become apparent that it is also necessary to allow for the diameter and height of these

replacement poles for aerial cables to be increased to meet loading and traffic clearance requirements under the Telecommunications Act 2001.

31. This is because many existing poles are up to seventy years old and are too narrow and/or short to meet these requirements. The diameter increase is, in most cases, unlikely to be more than 1.5 times the existing diameter and the height increase no more than 1 metre. Having this activity allowed by the NESTF 2016 will allow network operators such as Chorus, to more easily bring their networks into compliance with the Telecommunications Act 2001 as part of their pole replacement programmes.
32. The NESTF 2016 therefore permits the replacement of poles for aerial cables, subject to conditions relating to diameter and height.

#### *Natural hazard rules*

33. A new policy decision is required for natural hazard rules in district plans.
34. The discussion document<sup>4</sup> asked whether natural hazard rules in district plans should apply to telecommunications facilities. The reasons for considering this were to ensure telecommunications infrastructure is resilient to natural hazards and is able to continue operating to provide essential services through an adverse event.
35. The 2015 Cabinet paper reflected the consultation feedback and advised that it was not proposed that natural hazard overlays would be added to the list of 'special areas' carved out of the NESTF 2016 for councils to manage. The reasons were that resilience was already factored in to current industry practice and no information was provided that demonstrated having councils involved would improve telecommunications resilience outcomes.
36. To achieve this intent, the NESTF 2016 needs to have an activity that allows the placement of telecommunications facilities in natural hazard areas without any conditions. Otherwise, council rules will still apply.
37. The NESTF 2016 therefore permits the installation and operation of telecommunications facilities in zones identified in the relevant district plan or proposed district plan as subject to natural hazard rules without any additional natural hazard related conditions.

#### *Cabinets outside the road reserve*

38. Cabinet agreed that telecommunications cabinets for the operation of antenna on the roof or side of buildings should be permitted subject to conditions on size and location. In addition, the current NESTF 2008 permits new cabinets in the road reserve (one large and one small) and Cabinet agreed that the size limits for cabinets in areas zoned residential should be modified so the maximum height was consistent across all cabinets.
39. Inadvertently, a Cabinet decision permitting new cabinets outside the road reserve not servicing antenna on buildings was not included. The NESTF 2016 therefore permits new and replacement cabinets to service antennas not on buildings, subject to conditions on size and location.

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<sup>4</sup> Proposed amendments to the National Environmental Standards for Telecommunication Facilities: Discussion document, March 2015

## Amended policy decisions

40. We recommend that some Cabinet decisions made in 2015 be amended to ensure the NESTF 2016 is fit-for-purpose.

### *Earthworks*

41. Cabinet agreed that earthworks related to the installation/replacement of telecommunications facilities be a permitted activity, subject to conditions controlling, managing, and mitigating the adverse environmental effects on water bodies, the coastal marine area, adjoining properties and trees identified in a schedule to a district plan.
42. Following discussions officials had with the Technical Advisory Group, our advice is that only earthworks in rural zones need to be regulated with conditions. This is because the very small volume of the earthworks generated by telecommunications-related activities outside rural zones do not create environmental effects that need to be managed and are rarely controlled by district plans. Therefore, including earthworks outside rural zones in the NESTF 2016 would create a compliance and/or consent requirement that does not currently exist. Note that in order to give effect to the policy intent in paragraph 41, regional rules will apply to all earthworks permitted by the NESTF 2016.
43. We therefore recommend that the Cabinet decision set out in paragraph 41 above, be rescinded and a new decision agreed. Instead, the NESTF 2016 contains the following provisions:
- that earthworks associated with permitted activities in the road reserve and outside of the rural zone should be permitted without conditions specified in the NESTF 2016; and
  - that earthworks in rural zones (not including track works<sup>5</sup>) should be permitted by the NESTF 2016 with the following conditions:
    - a. a volumetric limit of 450m<sup>3</sup> per installation activity; and
    - b. the preparation of, and compliance with, a reasonable and proportionate management plan designed to control, manage and mitigate any adverse environmental effects of earthworks.
44. The effects of properly managed earthworks are temporary with the site and grounds reinstated at the completion of works. As such, we consider earthworks provided for under the proposed 2016 NESTF will not have significant adverse effects. Further analysis of earthworks and the protections in place to protect from significant adverse effects is provided in the evaluation report attached in Annex 2.

### *Special area rules*

45. The NESTF 2008 allows more stringent district plan rules for telecommunications facilities to prevail over the rules in the NESTF 2008 for activities carried out at places identified in the relevant district plan or proposed district plan as having historic heritage

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<sup>5</sup> Track works may see earthworks as high as 1500 m<sup>3</sup> and we therefore consider it is appropriate for track works to be managed by district plans.

value, visual amenity value, as well in the driplines of trees and in the coastal marine area ('special areas').

46. Cabinet agreed to extend the existing protections to the new activities. In addition, more stringent district plan rules were agreed to be applied to telecommunications facilities in other special areas, namely areas identified in district plans as being of significant indigenous vegetation, significant habitats of indigenous fauna and outstanding natural landscapes.
47. However, the decisions were structured in such a way to exclude from the application of the more stringent district plan rules in special areas:
  - earthworks; and
  - all activities associated with cables.
48. This exclusion was inadvertent. We consider it appropriate that district plan rules should be more stringent for earthworks for telecommunications facilities in special areas. In addition, the more stringent district plan rules in special areas should also apply to earthworks for underground cables (outside the road reserve), replacement poles for aerial cables and surface-mounted customer connection cables.
49. We do not consider there is a risk of significant adverse effects from earthworks for underground cables in the road reserve as the earthworks are already subject to a range of requirements under the National Code of Practice for Utility Operators' Access to Transport Corridors, made under the Utilities Access Act 2010, including procedures for trenching and requirements for reinstating ground.
50. The NESTF 2016 therefore applies the more stringent district plan rules in special areas to underground cabling (outside of the road reserve), replacement poles for aerial cables and to earthworks associated with all other regulated activities.
51. Cabinet also agreed in 2015 that the earthworks provisions would control the effects of earthworks on trees listed in a schedule in district plans.
52. There are two difficulties with this decision. Firstly, because we recommend that conditions for earthworks now only to apply to rural zones, the envisaged protections for significant trees in other zones outside the road reserve cannot be implemented as originally intended. Secondly, changes to the RMA protection of trees came into effect after this 2015 Cabinet decision. Trees significant to communities outside of urban areas will not necessarily be protected by 'scheduling' in a district plan.
53. We therefore recommend that the Cabinet decision set out in paragraph 51 above be rescinded and a new decision agreed. Instead, the NESTF 2016 contains a new rule that more stringent district plan rules about tree protection apply to trees identified as being of special significance in district plans.

#### *Radiofrequency field measurement standard*

54. An amended policy decision is required for the radio frequency field measurement standard.

55. Cabinet agreed to update the reference to New Zealand Standard NZS 6609.2:1990 (the assessment standard for radio frequency fields incorporated by reference in the NESTF 2008) to the new assessment standard AS/NZS 2772.2:2011. The Standard sets limits on exposure to radio frequency fields in the frequency range covering all radio frequency sources in New Zealand (transmitters and industrial uses), and provides guidance on verification of compliance.
56. However, since the Cabinet decision, the above measurement standard has been reviewed by Standards New Zealand and Standards Australia in accordance with their respective statutory functions. This has resulted in AS/NZS 2772.2:2011 being superseded and replaced by AS/NZS 2772.2:2016. We recommend that the Cabinet decision set out in paragraph 55 above, be rescinded and a new decision agreed.
57. The NESTF 2016 therefore references AS/NZS 2772.2:2016 as the standard to be referred to when measuring exposures to radio frequency fields from telecommunications equipment.

### **Changes to existing provisions in the NESTF 2008**

58. As outlined above, it was originally intended that the NESTF 2008 would be amended. This meant that the parts of the NESTF 2008 that were not being explicitly amended were intended to remain the same.
59. As a result of feedback during the drafting process, three technical changes are now proposed in relation to existing provisions in the NESTF 2008.

#### *Visual amenity*

60. The NESTF 2008 specifies that the more stringent rules in district plans can apply to protect visual amenity values. Cabinet agreed in 2015 that this would continue to apply.
61. Feedback from the Technical Advisory Group is that the term “visual amenity” is defined quite broadly in the NESTF 2008 and is subject to differing interpretations so that it is sometimes applied to areas where it is not appropriate, such as entire zones.
62. The NESTF 2016 therefore clarifies that the “visual amenity” protection is not intended to cover entire zones, but to protect landscape features themselves, such as viewshafts and ridgelines, where a plan has identified that the viewshafts and landscapes have special visual amenity values.

#### *Default activity status*

63. The NESTF 2008 contains a set of provisions that set out how an otherwise permitted activity, that does not comply with the conditions in the standard, is to be treated under district plans (i.e. as either a controlled, discretionary, restricted discretionary or non-complying activity).
64. The NESTF 2016 also contains these provisions and similarly relies on the district plan having appropriate rules to control the out-of-scope activity.
65. Sometimes, district plans state that they intend to control an activity but do not in fact have a specific rule covering that activity. In this case, many district plans often have a ‘default rule’ that would make the activity ‘discretionary’ or sometimes ‘non-complying’.

We consider that it is not appropriate that telecommunications activities are treated as 'non-complying' in these circumstances.

66. The NESTF 2016 therefore makes it clear that telecommunications activities are considered to be 'discretionary' activities by default in this situation (rather than potentially non-complying).

#### *Application of noise controls*

67. The NESTF 2008 contains different rules about noise levels for cabinets in the road reserve, depending on whether the cabinet is in a road reserve next to an area which does or does not 'allow residential activities'.
68. Feedback from the Technical Advisory Group is that where the adjoining zone is 'mixed-use' i.e. where residential activities are allowed but that is not the primary purpose of the zone, the rules have been interpreted to mean the higher noise levels for cabinets are permitted. We agree that the residential controls should apply to zones primarily used for residential purposes and not be applied in mixed-use zones.
69. The NESTF 2016 therefore aligns more clearly with this understanding.
70. No cabinet decisions were made as to noise controls for cabinets installed outside of the road reserve. As there is a range of different receiving environments that cabinets may be located in (e.g. on private land, on buildings, on the ground in different zones), we consider it is appropriate for district plans to continue to set location-appropriate rules for these facilities.
71. The NESTF 2016 therefore applies district plan rules to control noise of cabinets installed outside of the road reserve.

#### **Minor and technical amendments**

72. In addition to the amendments indicated above, we recommend two minor and technical amendments be made to the NESTF 2016.

#### *Utility buildings to house telecommunications equipment*

73. An amended decision is required around utility buildings to house telecommunications equipment.
74. Cabinet agreed to amend the definition of a '*cabinet*' in the NESTF 2008 to ensure that New Zealand Police utility buildings were not inadvertently captured as the scope of the regulations was extended outside the road reserve. In particular, it was agreed to exclude '*utility buildings able to be entered by a person*' from that definition. This means the district plan rules would apply to these structures.
75. It has become apparent firstly that this is not a useful way to distinguish a building from a smaller telecommunications cabinet and secondly that it would be useful to exclude any building used by any network operator to house telecommunications equipment from the scope of the NESTF 2016.
76. The NESTF 2016 therefore set out a clearer way of achieving the same outcome by expressly excluding any building or shelter used by the New Zealand Police or a facility operator to house telecommunication equipment from the definition of a '*cabinet*'.

### *Defining 'site'*

77. Cabinet agreed that the definition of 'site' for cabinet placement would be clarified to prescribe distances to be set between cabinets and between sites, and to exclude rooftops.
78. The NESTF 2008 did not define 'site'. Instead of seeking to include a new definition of 'site', the previous approach of the NESTF 2008 as to the spacing required between cabinets and groups of cabinets can be retained with clarifications.
79. The NESTF 2016 therefore sets out a clearer approach for group rules for cabinets including distances between cabinets and between sites and excluding rooftops.

### **Changes to Annex**

80. The 2015 Cabinet paper set out the policy intent of the Cabinet decisions for the new areas of the amended NESTF in an Annex. While this Annex did not form part of the Cabinet decisions and the paper stated it would be likely to be subject to change as a result of the drafting process, the Annex was intended to illustrate to Cabinet what would be permitted by the NESTF 2016.
81. The more substantive changes to the Annex are set out below and all changes are addressed in a new Annex 1 attached to this paper.

### *Cabinet sizes outside the road reserve*

82. Cabinets containing base transceivers and other transmission equipment, power supplies, cooling systems and battery back-up are required to enable the operation of any cellular antenna. The larger antennas permitted to be installed by the NESTF 2016 require more equipment in the associated cabinet especially in rural, industrial, or commercial zones where the cabinet may not be able to be in close proximity to the antenna or where there are a number of additional antennas on the pole.
83. The size limits for the road reserve are appropriate. However, size limits proposed in the original Annex for other areas do not reflect the requirements of the 4G and rural broadband upgrade and do not support the installation of co-located antenna. If the size limits are not increased the installation of the upgraded antennas would be permitted by the NESTF but in some cases the associated cabinets would not be permitted and therefore may require resource consent.
84. The NESTF 2016 therefore sets out that new or replacement cabinets:
  - in residential zones and not servicing cabinets on buildings can be up to 2m high with a 2m<sup>2</sup> per operator footprint (the same as cabinets servicing buildings). This is an increase from up to 1.8m high with an up to 1.4m<sup>2</sup> per operator footprint.
  - in rural, industrial, or commercial zones can be up to 2.5m high with up to a 5m<sup>2</sup> per operator footprint. This is an increase from the up to 2m high with an up to 2m<sup>2</sup> per operator footprint.

### *Methodology to calculate sizes of new poles in the road reserve*

85. While Cabinet agreed that new poles to carry antennas in the road reserve would be permitted, subject to conditions controlling size and proximity to other facilities, the

original Annex set out that these poles would be installed in accordance with the NESTF 2008.

86. It has since become apparent that this approach failed to take into account the larger diameter required for poles supporting the larger antennas and was otherwise more complex than necessary.
87. To help make this provision more workable and certain, but still retain the policy of mitigating adverse visual impact, the NESTF 2016 sets out that the width and height of a new pole in the road reserve is calculated based on the size of its neighbouring poles. If there are no neighbouring poles, the district plan rules apply.

#### *Dish antennas outside the road reserve*

88. The NESTF 2008 allows a maximum of 2 dish antennas up to 0.38m each in the road reserve. This is carried forward into the NESTF 2016.
89. The Technical Advisory Group identified that size or number limits for dish antennas outside the road reserve had been omitted from the original Annex. We consider it necessary to provide for the installation of dish antennas to allow necessary backhaul services.<sup>6</sup>
90. The NESTF 2016 therefore sets out:
  - a maximum of 2 dish antennas up to 0.38m each in residential zones; and
  - a maximum of 1.2m in diameter dish antennas outside the road reserve, with no maximum number specified.

#### *Headframes*

91. The original Annex only set out one situation where headframes<sup>7</sup> might be used – where additional antennas were being installed outside of the road reserve and not in residential zones. The Technical Advisory Group has advised that headframes will often also be used to carry antenna and also to facilitate co-location of a different network operator's antenna on the existing pole rather than the installation of a new pole. These headframes will need to be replaced or upgraded from time to time.
92. The NESTF 2016 therefore allows headframes or the replacement of existing headframes as appropriate with associated conditions to mitigate any adverse visual effects:
  - all road reserve: no new headframes permitted, replacement allowed of the existing headframe to the existing size;
  - residential zones: no new headframes permitted, replacement allowed that is the existing size, double the existing headframe or a six metre diameter whichever is smaller.

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<sup>6</sup> Backhaul is a service that provides for the transmission of aggregated data regionally or nationally.

<sup>7</sup> Headframe refers to a structure attached to a pole that enables the pole to have more than one antenna to be attached to it (by having the antenna attached to the headframe).

- all other zones: new or replacement headframes permitted to a maximum of a six metre diameter.

#### *Co-location*

93. The NESTF 2016 provides for co-location where the height of an existing pole can be increased by up to 5 metres to enable another operator to install antennas on the existing pole. The original Annex limited the height of a pole where multiple network operators' antennas were co-located to a maximum of 25 metres.
94. It has become apparent that this is too restrictive and in fact discourages the 5 metre lift for co-location where existing masts are over 20 metres. This means, particularly in the rural zone, that new masts may be constructed for each network operator as this may be more cost effective than applying for a resource consent for the additional height.
95. It is considered that greater adverse visual amenity impacts are created by new masts, rather than additional antenna on an existing mast. The height increase is limited to 5 metres over the height of the existing mast.
96. Note that new rural poles to carry antennas established under the NESTF 2016 will retain the 25 meter height limit.

#### **Statutory Requirements**

97. Under section 44(2) of the RMA, the Minister for the Environment is required to notify the public and iwi authorities of the proposed subject matter of the standard when proposing an NES. The steps are—
  - (a) to notify the public and iwi authorities of—
    - (i) the proposed subject matter of the standard; and
    - (ii) the Minister's reasons for considering that the standard is consistent with the purpose of the Act; and
  - (b) to establish a process that—
    - (i) the Minister considers gives the public and iwi authorities adequate time and opportunity to comment on the proposed subject matter of the standard; and
    - (ii) requires a report and recommendation to be made to the Minister on those comments and the proposed subject matter of the standard; and
  - (ba) to prepare an evaluation report for the standard in accordance with section 32 and have particular regard to that report when deciding whether to recommend the making of the standard; and
  - (c) to publicly notify the report and recommendation made in accordance with paragraph (b)(ii).
98. The Minister for the Environment considers that a process has been followed for the development of the NESTF 2016 that meets the requirements of section 44(2)(b)(i) of the RMA.
99. The Minister for the Environment, in accordance with section 44(2)(ba) of the RMA, has had particular regard to the evaluation report made under section 32 of the RMA when deciding to recommend the making of the NESTF 2016.
100. The Minister for the Environment considers that the NESTF 2016 is consistent with the purpose of the RMA for the following reasons:

- the efficient deployment of new and upgraded broadband technologies allowed will enable the use and development of telecommunications infrastructure as a physical resource;
- broadband technologies which are deployed will assist in fulfilling the evolving requirements of communities for improved broadband services to meet their social and economic needs, including those for education and learning;
- the management of adverse environmental effects is addressed in two ways:
  - a. by setting an appropriate balance between local participation and national environmental standards. The existing and proposed standards provide for local participation by allowing historic heritage (including cultural) significance, visual amenity, the coastal marine area, and ecological areas to be managed by the relevant district plan.
  - b. by the inclusion of conditions to avoid, remedy or mitigate adverse effects of permitting activities.

101. The Minister for the Environment has published the summary of public and iwi submissions in accordance with section 44(2)(c) of the RMA. The Minister will also publish the evaluation report on the Ministry for the Environment's website following Cabinet approval.

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

102. No waiver of the 28-day rule is sought. The regulations will come into force on 1 January 2017.

#### **Compliance**

103. The proposed NESTF 2016 complies with:

- the principles of the Treaty of Waitangi;
- the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- the principles and guidelines set out in the Privacy Act 1993;
- relevant international standards and obligations;
- the LAC Guidelines on the Process and Content of Legislation (2014 edition), which are maintained by the Legislation Design and Advisory Committee.

#### **Regulations Review Committee**

104. There do not appear to be any grounds for the Regulations Review Committee to draw the NESTF 2016 to the attention of the House under Standing Order 319.

#### **Financial Implications**

105. There are no financial implications arising from the NESTF 2016.

## **Certification by Parliamentary Counsel**

106. The draft NESTF 2016 has been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

## **Regulatory impact analysis**

107. A Regulatory Impact Statement (RIS) was prepared in accordance with the necessary requirements, and submitted at the time that Cabinet approval was sought of the policy relating to the NESTF Regulations [EGI-15-MIN-0050 refers].
108. The Regulatory Impact Analysis Review Panel reviewed the RIS prepared by the Ministry of Business, Innovations and Employment. The Panel considered that the information and analysis summarised in the RIS met the criteria necessary for Ministers to fairly compare the available options and take informed decisions on the proposals in the paper.
109. The additional policy decisions in this paper do not alter the underlying findings of that RIS and do not require a RIS in their own right. We intend that there will be a note to this effect published with the RIS.

## **Publicity**

110. The communications approach for the NESTF 2016 will be managed by the Minister for Communications' office, in consultation with the Minister for the Environment's office.
111. A Users' Guide for the NESTF 2016 is being prepared and will be released around the time that the NESTF 2016 comes into force.

## **Consultation**

112. The Ministry for the Environment and the Ministry of Business, Innovation and Employment consulted the following agencies during the development of the policy and the NESTF 2016: Department of Internal Affairs, Department of Conservation, Heritage New Zealand, Ministry of Civil Defence and Emergency Management, Ministry for Culture and Heritage, Ministry of Education, Ministry of Health, Ministry of Transport, New Zealand Defence Force, New Zealand Fire Service, New Zealand Police, Te Puni Kōkiri, New Zealand Transport Agency, and the Treasury. The Department of the Prime Minister and Cabinet has been informed.
113. Public consultation was undertaken from 3 March to 17 April 2015 with 145 submissions received. The majority of submitters who commented were supportive of the objective and direction of the proposals.
114. Two exposure drafts of the NESTF 2016, one in April 2016 and one in August 2016, were also shared with the Technical Advisory Group to seek guidance on implementation, practical application, and to ensure the regulations are clear and unambiguous.

## Recommendations

The Minister for the Environment and the Minister for Communications recommend that the Cabinet Economic Growth and Infrastructure Committee:

1. **Note** that on 9 September 2015 the Cabinet Economic Growth and Infrastructure Committee agreed to a number of proposed amendments to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 [EGI-15-MIN-0050 refers]. In summary, the Committee agreed to:
  - classify more activities associated with the installation of telecommunications infrastructure as permitted (subject to conditions) thereby widening the scope of the (Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF 2008); and
  - make minor amendments to the existing standards to provide additional clarity;
2. **Note** that the Minister for the Environment and the Minister for Communications were authorised to issue drafting instructions to the Parliamentary Counsel Office to give effect to the policy decisions in EGI-15-MIN-0050;

## New policy decisions

3. **Note** that following drafting and further consultation a number of new policy decisions require Cabinet agreement;

## *Repeal of regulations*

4. **Note** that previous Cabinet approval was for amendments to be made to the NESTF 2008 with a view to trying to achieve consistency with the previous format;
5. **Note** that due to the required changes and additions the NESTF 2008 format is unworkable;
6. **Agree** to repeal the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 and replace them with the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016;

## *New permitted activities: customer connections and poles for cables*

7. **Note** that relocated or replaced telecommunications poles for cables may sometimes need to be wider and higher to meet loading and traffic clearance requirements under the Telecommunications Act 2001;
8. **Agree** that the replacement of poles for aerial cables is a permitted activity subject to conditions relating to diameter and height;
9. **Note** that Cabinet agreed that aerial and underground deployment of cables for connecting fibre to properties should be included as permitted activities;
10. **Note** that surface-mounted customer connection cables are often used as an alternative to or in conjunction with aerial and underground deployment;

11. **Agree** that the placement of surface-mounted customer connection cables be a permitted activity, including any necessary ancillary equipment, subject to conditions relating to size and using existing structures;

*Application of natural hazard rules*

12. **Note** that the application of natural hazard rules in district plans is not required for telecommunications facilities as current industry practice is entirely sufficient to manage resilience of the network;
13. **Note** that all other rules set out in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 or in district plans applying to telecommunications networks in natural hazard areas will apply;
14. **Agree** that the installation and operation of telecommunications facilities in zones identified in the relevant district plan or proposed district plan as natural hazard areas is permitted without any additional natural hazard related conditions;

*New permitted activities: Cabinets outside of the road reserve*

15. **Note** that Cabinet agreed that telecommunications cabinets for the operation of antenna on the roof or side of buildings and in the road reserve were permitted subject to conditions on size and location;
16. **Note** that, inadvertently, a Cabinet decision permitting new cabinets outside the road reserve not servicing antenna on buildings was not included;
17. **Agree** that new and replacement cabinets to service antennas not on buildings are permitted subject to conditions on size and location;

**Amended policy decisions**

18. **Note** that following drafting and further consultation a number of existing policy decisions require Cabinet agreement to be changed;

*Earthworks*

19. **Note** that Cabinet agreed that earthworks related to the installation/replacement of telecommunications facilities be a permitted activity, subject to conditions controlling managing, and mitigating the adverse environmental effects on water bodies, the coastal marine area, adjoining properties and trees identified in a schedule to a district plan;
20. **Note** that following drafting and further consultation, only earthworks in rural zones need to be regulated with conditions as there is low risk of adverse effects from earthworks for permitted activities outside of rural zones;
21. **Agree** to rescind the decision referred to in paragraph 19 above;
22. **Agree** that:
  - earthworks in the road reserve and outside of the rural zone should be permitted without conditions specified in the NESTF 2016; and

- earthworks in rural zones (not including track works) should be permitted with the following conditions:
  - a volumetric limit of 450m<sup>3</sup> per installation activity; and
  - the preparation of a reasonable and proportionate management plan designed to control, manage and mitigate adverse environmental effects of earthworks;

#### *Special area rules*

23. **Note** that Cabinet agreed that more stringent district plan rules for telecommunications facilities should apply for most telecommunications activities in areas identified in the relevant district plan or proposed plan as within the driplines of trees, having historic heritage values, areas having visual amenity value, the coastal marine area, areas of significant indigenous vegetation, significant habitats of indigenous fauna and outstanding natural landscapes;
24. **Note** that the list of activities that this decision applied to did not include earthworks and all activities associated with cabling;
25. **Note** that following drafting and further consultation, district plan rules should be more stringent for earthworks activities in special areas, except for underground cabling in the road reserve;
26. **Note** that there is low risk of significant adverse effects from earthworks for underground cables in the road reserve because of requirements under the National Code of Practice for Utility Operators' Access to Transport Corridors, made under the Utilities Access Act 2010;
27. **Agree** that the more stringent district plan rules in special areas should also apply to all earthworks (except for underground cabling in the road reserve); and surface mounted cabling for customer connections;
28. **Note** that Cabinet agreed that the earthworks provisions would control the effects of earthworks on trees listed in a schedule in district plans;
29. **Note** that following drafting and further consultation, the envisaged protections for significant trees in other zones outside the road reserve cannot be implemented as originally intended and that other trees significant to communities outside of urban areas would not be protected;
30. **Agree** to rescind the decision referred to in paragraph 28 above;
31. **Agree** the NESTF 2016 contains a new rule that more stringent district plan rules about tree protection apply to trees identified as being of special significance in district plans;

#### *Radiofrequency field measurement standard*

32. **Note** that Cabinet agreed to update the reference to New Zealand Standard NZS 6609.2:1990 to the new assessment standard AS/NZS 2772.2:2011;

33. **Note** that since the Cabinet decision referred to in paragraph 32 above, the relevant measurement standard has been superseded and replaced by AS/NZS 2772.2:2016;
34. **Agree** to rescind the decision referred to in paragraph 32 above;
35. **Agree** that the reference to NZS 6609.2:1990 in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 be replaced with AS/NZS 2772.2:2016 in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016;

#### **Changes to existing provisions in the NESTF 2008**

36. **Note** that as a result of feedback and during the drafting process, changes are now proposed to parts of the NESTF 2008 that were intended to remain the same;
37. **Note** that these changes have been carried forward to the NESTF 2016;

#### *Visual amenity*

38. **Note** that more stringent rules in district plans to protect visual amenity values will continue to apply in the NESTF 2016;
39. **Note** that the term “visual amenity” is subject to differing interpretations so that it is sometimes applied to areas where it is not appropriate, such as entire zones;
40. **Agree** that “visual amenity” protection is intended to protect particular landscape features such as viewshafts and ridgelines that have been identified in a district plan as having special visual amenity values;

#### *Default activity status*

41. **Note** that the NESTF 2008 contains a set of provisions that sets out how an otherwise permitted activity that does not comply with the conditions in the standard is to be treated under district plans;
42. **Note** that sometimes district plans intend to control such an activity but do not have a specific rule and instead use a ‘default rule’ that would make the activity ‘discretionary’ or ‘non-complying’;
43. **Agree** that the NESTF 2016 sets out that the default rule for telecommunications activities is a ‘discretionary’ activity;

#### *Application of noise controls*

44. **Note** that the rules in the NESTF 2008 have been interpreted to mean non-residential noise levels apply to cabinets in the road reserve next to mixed-use areas;
45. **Agree** that NESTF 2016 clarifies that non-residential noise controls should apply to mixed-use zones;
46. **Note** that no Cabinet decisions were made as to noise controls for cabinets installed outside of the road reserve;

47. **Note** that it is appropriate for district plans to continue to set location appropriate rules for these facilities;
48. **Agree** that district plan rules apply to control the noise of cabinets installed outside of the road reserve;

### **Minor and technical amendments**

49. **Note** two minor and technical amendments are required to previous Cabinet decisions;

#### *Utility buildings to house telecommunications equipment*

50. **Note** that Cabinet agreed to amend the definition of a 'cabinet' in the NESTF 2008 to exclude 'utility buildings able to be entered by a person';
51. **Note** that following drafting and further consultation, the advice of the Minister for the Environment and the Minister for Communications is that this is not a useful way to distinguish a building from a smaller telecommunications cabinet and the exclusion is too narrow;
52. **Agree** to rescind the decision referred to in paragraph 50 above;
53. **Agree** that any building or shelter used to house the telecommunication equipment of the New Zealand Police or any network operator is expressly excluded from the definition of a 'cabinet' in the NESTF 2016;

#### *Defining 'site'*

54. **Note** that Cabinet agreed to clarify the definition of 'site' for cabinet placement to prescribe distances to be set between cabinets and between sites, and to exclude rooftops;
55. **Note** that following drafting and further consultation, the NESTF 2008 did not define 'site' and it is not appropriate to include a new definition in the NESTF 2016;
56. **Agree** to rescind the decision referred to in paragraph 54 above;
57. **Agree** that the approach of the NESTF 2008 as to the spacing required between cabinets and groups of cabinets can be retained with clarifications in the NESTF 2016;

### **Changes to Annex**

58. **Note** that the 2015 Cabinet paper illustrated the conditions that would be placed on activities permitted by the NESTF 2016 in an Annex;
59. **Note** that the Annex has been updated with all changes in a new Annex 1 attached to this paper and that the more substantive changes relate to:
  - Cabinet sizes outside the road reserve
  - Methodology to calculate sizes of new poles in the road reserve
  - Dish antennas outside the road reserve

- Headframes
- Co-location

### Statutory Requirements

60. **Note** that section 44(2) of the Resource Management Act 1991 requires that the responsible Minister be satisfied that consultation with the public and iwi authorities has occurred, and that an evaluation report has been considered before recommending the making of a national environmental standard;
61. **Note** that the Minister for the Environment considers that a process has been followed for the development of the NESTF 2016 that meets the requirements of section 44(2) of the RMA;
62. **Note** that the Minister for the Environment has had particular regard to the evaluation report made in accordance with section 32 of the RMA when deciding to recommend the making of the NESTF 2016;

### Next Steps

63. **Note** that the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 give effect to the decisions referred to in EGI-15-MIN-0050 and in paragraphs 6 to 57 above;
64. **Authorise** the submission to the Executive Council of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016;
65. **Note** that the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 come into force on 1 January 2017.

Hon Amy Adams  
**Minister for Communications**

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Hon Dr Nick Smith  
**Minister for the Environment**

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**Annex 1: Permitted Activities**

	Area	Permitted activity as drafted	Change from previous EGI decisions
1.	Aerial telecommunications cables alongside existing cabling	<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"> <li>• no additional poles are installed</li> <li>• the total diameter of the new cabling does not exceed 30 mm</li> <li>• ancillary equipment does not exceed a total volumetric dimension of 0.4m<sup>3</sup>, excluding auxiliary cables, if there are any.</li> </ul> <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>Width of replacement structure must not exceed 1.5 times original width, and height must not exceed height of original structure plus 1m.</p> <p>However, height of replacement structure may exceed these requirements, but only by the minimum extent necessary to achieve clearance to avoid interference with public traffic as required under the Telecommunications Act 2001.</p>	Allowance for replacement poles to increase in size subject to conditions.
2.	Aerial telecommunications cables for customer connections	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.	No change.
3.	Underground telecommunications cables	Underground placement of telecommunications cables and any necessary underground ancillary equipment by a telecommunications operator is permitted.	No change.
<b>NEW</b>	Surface-mounted telecommunications cables	<p>Surface-mounted placement of telecommunications cables by a telecommunications operator is permitted, including any necessary ancillary equipment, subject to the following conditions provided:</p> <ul style="list-style-type: none"> <li>• the line must be an underground cable, aerial cable, surface-mounted cable, or a combination of these</li> </ul>	

Area	Permitted activity as drafted	Change from previous EGI decisions
	<ul style="list-style-type: none"> <li>• surface mounted cabling must be solely supported on existing structures, and must be enclosed in a conduit with a diameter not more than 32mm</li> <li>• aerial cabling must be supported by existing structures and have a diameter not more than 30mm</li> </ul>	
<p>4. Earthworks required for installing telecommunication facilities in the NESTF</p>	<p><i>In road reserve and outside rural zone</i> Earthworks in the road reserve and outside rural zone are a permitted activity.</p> <p><i>Rural zone</i> Earthworks in rural zone (not including track works) are a permitted activity, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• volumetric limit of 450m<sup>3</sup> per installation activity</li> <li>• preparation of reasonable and proportionate management plan designed to control, manage and mitigate adverse environmental effects of earthworks: <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• the earthworks must not create or contribute to— <ul style="list-style-type: none"> <li>(a) instability or subsidence of a slope or another land surface; or</li> <li>(b) erosion of the bed or bank of a water body or the coastal marine area; or</li> <li>(c) drainage problems or flooding of overland flow paths</li> </ul> </li> <li>• soil or debris from the earthworks must not be placed where it can enter a water body or the coastal</li> </ul> </li> </ul>	<p>Removed conditions on earthworks in road reserve and outside rural zone.</p> <p>Further conditions for earthworks in rural zone.</p> <p>Disturbance of scheduled trees included as part of ‘special protections’</p>

Area	Permitted activity as drafted	Change from previous EGI decisions
	<p>marine area</p> <ul style="list-style-type: none"> <li>the earthworks avoid creating a dust nuisance on adjoining properties</li> <li>wherever possible, the ground must be reinstated following installation</li> </ul>	
<p>5. New poles to carry antennas in the road reserve</p>	<p>The installation of a new pole in the road reserve is permitted, provided that:</p> <ul style="list-style-type: none"> <li>new pole is within 100m of an existing pole in the road reserve</li> <li>height of final pole and all antennas must not exceed the average height of neighbouring poles in road reserve + 3.5m</li> <li>width of the final pole must not exceed 1.3 times the width of neighbouring poles if any of them have antennas attached, or double the average width of neighbouring poles if neighbouring poles have no antennas attached</li> <li>notional envelope for all panel antenna must not exceed 3.5m in height and 0.7m in diameter</li> <li>dish antenna must have diameter not more than 0.38m and protrusion distance not more than 0.6m</li> </ul>	<p>Simpler methodology to calculate height and width.</p>
<p>6. Relocation of replacement utility structures</p>	<p>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.</p>	<p>No change</p>
<p>7. New antennas in the road reserve</p>	<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"> <li>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</li> <li>antennas must fit within the dimensions of a cylindrical shape (notional envelope) that, when measured along the centre line of the utility structure, is not more than 0.7 m in diameter, including the shroud</li> <li>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</li> <li>(from NESTF Regulations 2008) up to</li> </ul>	<p>No change.</p>

Area	Permitted activity as drafted	Change from previous EGI decisions
	<p>two dish antenna may be installed and must have diameter not exceeding 0.38m and protrusion distance not exceeding 0.6m</p>	
<p>8. Replacement of existing antennas</p>	<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"> <li>• the total height of the pole and antenna is increased by no more than 3.5 m over the height of the existing pole</li> <li>• the diameter of any panel antenna is no more than 0.7 m</li> <li>• the diameter of any replacement pole is no more than 30 per cent greater than the diameter of the existing pole</li> <li>• the existing replacement utility structure was lawfully established (ie, authorised by a regulation, plan or consent under the RMA).</li> </ul> <p><i>Dish antenna</i></p> <ul style="list-style-type: none"> <li>• for dish antenna in the road reserve or residential zone:</li> <li>• the number of dish antenna attached to final pole does not exceed 2,</li> <li>• Diameter must not exceed 0.38m</li> <li>• protrusion distance must not exceed 0.6m</li> <li>• dish antenna outside the road reserve or residential zone must not exceed 1.2m in diameter,</li> </ul> <p><i>Headframes</i></p> <ul style="list-style-type: none"> <li>• all road reserve: no new headframes permitted, replacement allowed of the existing headframe to the existing size;</li> <li>• residential zones: no new headframes permitted, replacement allowed that is the existing size, double the existing headframe or a six metre diameter whichever is smaller.</li> <li>• all other zones: replacement headframes permitted to a maximum of a six metre diameter.</li> </ul> <p>Lightning rods may extend beyond the height of the antenna</p>	<p>Clarified limits on</p> <ul style="list-style-type: none"> <li>• the number and size of dish antenna.</li> <li>• the size of replacement headframes.</li> </ul>
<p>9. Additional antennas</p>	<p>Installation of additional antennas on an</p>	

Area	Permitted activity as drafted	Change from previous EGI decisions
at existing sites	<p>existing pole or replacement utility structure, including any necessary ancillary equipment, is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>the total height of the pole and antenna is increased by no more than 3.5 m over the height of the existing structure</li> <li>the total diameter of the head frame, if there is one, or of the structure (pole, antenna and headframe), at its widest point is no more than the diameter of the existing structure plus 100 per cent</li> <li>the diameter of a replacement pole at its widest point is no more than 30 per cent greater than the diameter of the existing pole</li> <li>the area is not zoned residential in the relevant district plan or located on the road reserve</li> </ul> <p>the existing replacement utility structure was lawfully established (ie, authorised by a regulation, plan or consent under the RMA).</p> <p><i>Dish antenna</i></p> <ul style="list-style-type: none"> <li>dish antenna must not exceed 1.2m in diameter,</li> </ul> <p><i>Headframes</i></p> <ul style="list-style-type: none"> <li>width of headframe attached to final pole must not exceed 6m</li> </ul> <p>Lightning rods may extend beyond the height of the antenna.</p>	<p>Clarified limits on</p> <ul style="list-style-type: none"> <li>the size of dish antenna.</li> <li>the size of replacement headframes.</li> </ul>
<p><b>10.</b> New poles and antennas up to 25 m high and 6 m diameter in rural areas</p>	<p>The placement of a pole 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"> <li>the total height (of the pole and antenna) does not exceed 25 m</li> <li>the diameter of the pole, antenna, and any headframe at its widest point (excluding the concrete plinth) does not exceed 6 m</li> <li>the antenna is not located closer than 50 m from the closest external wall of a dwelling, residential home, or educational facility</li> <li>if antenna is a dish antenna, diameter must not exceed 1.2m</li> </ul> <p>Lightning rods may extend beyond the height</p>	<p>Clarified limits on</p> <ul style="list-style-type: none"> <li>the size of dish antenna.</li> <li>the size of headframes</li> <li>Vegetation protection part of earthworks conditions.</li> </ul>

Area	Permitted activity as drafted	Change from previous EGI decisions
	of the antenna	
<p><b>11.</b> Co-location of multiple operators' antennas at existing sites</p>	<p>Increasing the total height of a pole 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 subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• the area is not zoned residential in the relevant district plan or in the road reserve</li> <li>• the diameter of a replacement pole at its widest point is no more than 30 per cent greater than the diameter of the existing pole</li> <li>• the existing replacement utility structure was lawfully established (ie, authorised by a regulation, plan or consent under the RMA)</li> </ul> <p>Lightning rods may extend beyond the height of the antenna.</p>	<p>Removed maximum height limit of 25m to encourage co-location.</p>
<p><b>12.</b> Antennas on buildings</p>	<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"> <li>• in a residential area, the part of the building to which the antenna is attached is no less than 15 m high</li> <li>• antennas do not extend 5 m above the highest part of the building to which they are attached</li> <li>• the maximum face area of a non-dish antenna is 1.5m<sup>2</sup></li> <li>• the maximum diameter of a dish antenna is 1.2 m</li> <li>• associated cabinets are permitted</li> </ul> <p>Lightning rods may extend beyond the height of the antennas.</p>	<p>Clarification.</p>
<p><b>13.</b> Cabinets servicing antennas on buildings</p>	<p>The placement of telecommunications cabinets servicing antennas on buildings is permitted, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• each associated cabinet must not have a footprint of more than 2 m<sup>2</sup></li> <li>• the cabinets must be no higher than the height of the concrete foundation</li> </ul>	<p>No change.</p>

Area	Permitted activity as drafted	Change from previous EGI decisions
	<p>plinths, if there are any, plus 2 m</p> <ul style="list-style-type: none"> <li>in a residential area, associated cabinets must be located within the property boundary</li> </ul>	
<p><b>14.</b> Small-cell units on existing structures</p>	<p>The installation of a small-cell unit on an existing 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 m<sup>3</sup>, excluding any cabling.</p>	<p>Clarification.</p>
<p><b>15.</b> New telecommunication cabinets</p>	<p>The placement of telecommunications cabinets is permitted, subject to the following conditions:</p> <p><i>Road reserve</i></p> <ul style="list-style-type: none"> <li>if road reserve is adjacent to residential area, each cabinet's height must not exceed 1.8m and footprint must be no more than 1.4 m<sup>2</sup> per operator</li> <li>in all other road reserve,, cabinets must be no more than 2m in height with a per operator footprint no more than 2m<sup>2</sup></li> <li>Clarified group rules: <ul style="list-style-type: none"> <li>the total footprint per operator of cabinets in a group must not be more than 2m<sup>2</sup></li> </ul> </li> <li>each cabinet or group of cabinets must be at least 30m away from the nearest group or cabinet on the same side of the road</li> </ul> <p><i>Residential zones</i></p> <ul style="list-style-type: none"> <li>cabinet's height must not exceed 2m and per operator footprint must be no more than 2m<sup>2</sup></li> </ul> <p><i>All other zones (ie rural, industrial, commercial zones)</i></p> <ul style="list-style-type: none"> <li>in areas not zoned residential and outside the road reserve, cabinets can be up to 2.5m high with a per operator footprint up to 5m<sup>2</sup></li> </ul>	<p>No change to size limits for cabinets in road reserve adjoining residential areas.</p> <p>Increase to cabinet size limits in residential zone</p> <p>Allowance for larger cabinets in rural, industrial and commercial zones.</p>
<p><b>16.</b> Replacement telecommunication cabinets</p>	<p>The placement of cabinets which exceed the maximum footprint per site is permitted, subject to the condition that one cabinet is removed no later than 3 months:</p> <ul style="list-style-type: none"> <li>where a cabinet is being installed to</li> </ul>	<p>Consistency of condition.</p>

Area	Permitted activity as drafted	Change from previous EGI decisions
	<p>replace a cabinet, following installation of the other cabinet</p> <ul style="list-style-type: none"> <li>• where a cabinet is being installed for a different type of service to replace a current service, following the discontinuation of the old service</li> </ul>	
<b>NEW</b> Natural hazard rules	The installation and operation of telecommunications facilities is permitted in zones identified in the relevant district plan or proposed district plan as subject to natural hazard rules without any additional natural hazard related conditions.	