



## PROACTIVE RELEASE COVERSHEET

|                        |                            |                             |                   |
|------------------------|----------------------------|-----------------------------|-------------------|
| <b>Minister</b>        | Minister Bishop            | <b>Portfolio</b>            | RMA Reform        |
| <b>Name of package</b> | Phase 2 National Direction | <b>Date to be published</b> | 10 September 2026 |

### List of documents that have been proactively released

| <b>Date</b>  | <b>Title</b>                                                                                                                                                                   | <b>Author</b>                                                                    |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| 19 June 2026 | Summary of Underpinning Analysis: Amendments to the National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities 2009 | Ministry for the Environment<br>Ministry for Business, Innovation and Employment |

**Information redacted**      **NO**

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

**Summary of reasons for redaction**

N/A

# Summary of Underpinning Analysis: Amendments to the National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities 2009

|                             |                                                                                               |
|-----------------------------|-----------------------------------------------------------------------------------------------|
| <b>Agencies responsible</b> | Ministry for the Environment (MfE)<br>Ministry for Business, Innovation and Employment (MBIE) |
| <b>Portfolio</b>            | Minister Responsible for RMA Reform                                                           |
| <b>Date finalised</b>       | 19 June 2026                                                                                  |

*Note:* This Summary of Underpinning Analysis is accompanied by a Final Regulatory Impact Statement (RIS) that was finalised in February 2026. That RIS includes a more detailed assessment of the problem definition, the options considered and the expected regulatory impacts.

## Good law-making: 9(j)

### The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to have benefited, and who is likely to have suffered a detriment, from the legislation

**Inconsistency identified?** NO

### Summary of agency analysis

#### The problem has been defined

Officials have identified core problems with the current National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities (NES-ETA EV), which show that the regulations are inadequate to meet the expectations New Zealanders have for affordable, secure and reliable electricity connection. The problems are:

- Inconsistent and incomplete national regulation of the electricity network leads to increased complexity, cost and delay for developing electricity infrastructure, and

- Protecting the electricity network from incompatible third-party activities is more complicated and costly than it needs to be, increasing risks to people and infrastructure.

#### **And officials have determined the nature and scale of the problem**

- The electricity transmission network is aging. It was largely built in the 1920s and during the 1950s to 70s.
- Electricity demand is forecast by MBIE to grow between 35.3% and 82.0% by 2050. It is not certain the capacity of the transmission network can accommodate this expected growth.
- There are no national environmental standards for the electricity distribution network, which has led to district plans which regulate it variably across the country.
- Sapere Research Group (2021) showed that small and routine installations face disproportionately high consenting costs, about 16% of overall project costs.<sup>1</sup>
- Transpower spent over 15 years trying to implement National Grid yard and subdivision corridor rules (National Grid rules) into district plans and while they have managed to cover approximately 70% of district plans, it has still cost them \$14 million to ensure protection of the Grid on a plan-by-plan basis. Further, Transpower and electricity distribution businesses continue to report underbuild (development underneath lines) but it is unclear how often this occurs. This evidence indicates that the plan-by-plan approach to protecting the electricity network has been inefficient and ineffective.
- Severe weather since 2023 has highlighted key risks to electricity networks, necessitating the need for greater resilience in the face of climate change effects.

The costs associated with consenting routine work on the National Grid and expanding the electricity distribution network are disproportionate compared to the scale of effects created by these activities. Lines operators are disincentivised by inconsistent plan rules and associated cost barriers to undertake major linear, cross-boundary projects. Where projects proceed, extra lines costs are passed onto consumers' electricity bills.

Electricity is foundational to modern New Zealand life. The infrastructure needed to convey electricity to households and businesses is a matter of public interest. Affordable, secure and reliable connection is critical to nearly all facets of modern society, from heating homes in the winter, operating hospitals and schools, the functioning of the economy, telecommunications and the digital world, transport, manufacturing and more.

#### **However, officials did not consider all possible options**

Ministers directed officials to amend the National Environmental Standards for Electricity Transmission Activities 2009 (NES-ETA) as part of delivering the Electrify NZ (National Party) commitment. This direction limited consideration of the full range of possible options.

---

<sup>1</sup> Sapere. *The cost of consenting infrastructure projects in New Zealand* (July 2021), report prepared for the New Zealand Infrastructure Commission: <https://sapere-ausnz.b-cdn.net/wp-content/uploads/2023/07/The-cost-of-consenting-infrastructure-projects-in-New-Zealand-July-2021.pdf>

The status quo was considered, including whether it would support the Government to meet its target to double renewable electricity generation by 2050. Officials' view is that the status quo (the current NES-ETA EV) is fundamentally inadequate with respect to dealing with an aging National Grid and the pressures of growing renewable electricity generation, climate change effects, electrification (including the need to adopt electric vehicles at scale), while protecting electricity networks from increasingly intensifying land use development.

Officials considered other options including:

- providing regulations for the electricity distribution network alone, including through its own national environmental standard
- providing regulations that prevail over regional plan rules (regional rules)
- providing National Grid rules with and without an Auckland-exemption to protect the electricity transmission network.

Non-regulatory options (such as issuing guidance materials) alone was considered insufficient because the core issues lie in regulatory gaps or deficiencies with the NES-ETA EV. Barriers for infrastructure delivery arise because of out-of-date permitted activity standards, activity gaps, or due to the uncertainty and costs associated with some activities required to obtain a resource consent.

Officials recommended an NES for Electricity Network Activities (NES-ENA), which includes updates to the existing transmission network regulations, new permitted activity regulations for electricity distribution, excluding regional rules from the instrument's scope and providing National Grid rules with an Auckland-exemption. These choices were recommended as they address the gaps or deficiencies with the NES-ETA EV and therefore the problems defined. The Minister agreed.

These are also the recommendations that are expected to generate the greatest net benefits for the sector and consumers.

### **Most groups will benefit but a small number of people may suffer a detriment**

Officials considered the positive and negative impacts on society, including Transpower, electricity distribution businesses, developers, councils, electricity sector (gentailers), communities and landowners, iwi, hapū and Māori, and future generations. All these groups were consulted (apart from future generations) and informed officials' views of the problem and subsequent recommendations.

Officials expect the amendments will promote greater electricity equity by helping to put downward pressure on electricity prices, supporting its affordability. Greater enablement of electrification will support both households and industry to substitute more expensive fuels such as natural gas for electricity. More affordable electricity is expected to positively flow through the entire economy. For example, more gentailers can develop renewable electricity generation projects with more certainty of connection into the electricity network. Both households and industries are expected to benefit from this policy intervention.

A small number of New Zealanders could be detrimentally affected where new overhead or bulky infrastructure is installed outside front yards without a resource consent process. Some

people who were allowed to undertake work nearby electricity lines will likely be restricted from doing so in the future due to the National Grid rules.

The NES-ENA will not directly impact the decision-making process requirements under the RMA where there is pre-existing Treaty settlements or iwi participation legislation.

Although permitted activity regimes limit the ability for Māori and other New Zealanders to participate in decisions on routine activities and new electricity distribution infrastructure, specific policies in the National Policy Statement for Electricity Networks recognise and provide for Māori interests and seek to safeguard natural and cultural values.

## Good law-making: 9(l)

**The legislation has produced benefits that exceed the costs of the legislation to the public or persons**

**Inconsistency identified?**

NO

**Summary of agency analysis**

**Monetised costs are expected to be relatively small, and one-off**

Officials expect some one-off costs associated with transitioning to the NES-ENA, including training and familiarisation for councils and the sector. Councils are also expected to incur some additional monitoring and compliance costs.

**Some cumulative effects are expected**

The cumulative effects are likely to include an incremental loss of environmental, cultural and amenity values, primarily from the visual impacts of electricity infrastructure.

As new electricity distribution lines can be constructed as permitted activities, there could be greater cumulative effects, however, there remain consenting requirements when construction is proposed on a significant natural area or historic heritage place (which includes sites of significance to Māori), or when other permitted standards are breached.

**And community engagement is likely to reduce**

There could be some potential impacts on iwi/hapū/Māori, given limited early engagement and continued impact of historical decisions to locate electricity infrastructure on or near sites of significance to Māori. Some proposals which would have required to be notified under some district plans, may no longer apply following the enactment of these amendments, if activities are carried out under the NES-ENA.

**The benefits are conferred to society and the environment, and will be distributed over the life of the NES-ENA**

Officials expect the following benefits from these amendments:

- *Faster delivery of infrastructure and faster trajectory towards electrification and net-zero* by removing the need for a resource consent in many future cases

- *Lower electricity prices* due to reduced compliance costs associated with a resource consent
- *Greater administrative efficiency* through clearer and more consistent national regulation
- *Adverse environmental effects avoided or mitigated* by requiring providers to meet permitted activity standards which control the effects of bulk, location, noise and electric, magnetic and radiofrequency fields

**Overall, net monetised and non-monetised benefits are expected to be positive**

Overall, the proposals are expected to reduce system-wide costs and consent delays, while maintaining environmental safeguards through permitted activity standards. The effects of the preferred option will vary by project and investment decisions, which sit outside the resource management system, making precise cost-benefit quantification difficult. Officials, however, expect the intervention will deliver net positive gains.

## Good law-making: 9(m)

**Legislation is still the most effective, efficient, and proportionate response to the issue concerned that is available**

**Inconsistency identified?**

NO

**Summary of agency analysis**

**The amendments are the most effective way to reduce regulatory compliance and inconsistency**

- The amendments provide a nationally consistent planning framework for installing, operating, maintaining, upgrading, and removing electricity infrastructure.
- The permitted activity standards reduce compliance costs by removing consent obligations while managing predictable environmental effects.

**The amendments provide regulations proportionate to the problems and activities**

- Standards can adequately manage the effects of an activity instead of requiring a resource consent, and this has been officials' and the Minister's preferred option.
- The size of structures permitted by the amendments is proportionate and commensurate with the type of zone the structure would locate within.
- The amendments do not permit activities with significant adverse effects.

**The amendments deliver efficient wins and implementation is feasible**

- The amendments provide certainty about what electricity infrastructure can be built and where it can be built.
- Infrastructure delivery is expected to be faster than under the status quo.

Officials have engaged with the electricity sector and councils throughout the policy development process to ensure implementation is not only feasible but much easier than the status quo. Further work is expected through the development of non-statutory implementation guidance materials.

### Rule of Law: 9(a)(i)

#### The law should be clear and accessible

##### Inconsistency identified?

NO

##### Summary of agency analysis

The amendments clearly set out which regulations apply to the electricity transmission network and the electricity distribution network by separating them into different subparts. The regulations specify permitted activity status, generally followed by the applicable higher activity status (ie, controlled or restricted discretionary activity) if permitted standards are not met.

Ambiguous or vague terms have been defined, and language is consistent with the empowering Act.

The amendments will be incorporated into non-statutory guidance materials such as a user's guide. The Ministry for Cities, Environment, Regions and Transport (MCERT) website will also be updated to host weblinks and contextual information, including where to access material incorporated by reference.

### Rule of Law: 9(a)(ii)

#### The law should not adversely affect rights and liberties, or impose obligations, retrospectively

##### Inconsistency identified?

NO

##### Summary of agency analysis

The amendments do not apply retrospectively and existing use rights under the Resource Management Act 1991 (RMA) continue to be preserved.

### Rule of Law: 9(a)(iii)

#### Every person is equal before the law

##### Inconsistency identified?

NO

##### Summary of agency analysis

The amendments apply to the Crown (ie, Transpower) and private institutions (electricity distribution businesses) carrying out work on the electricity network. They also apply to any third party seeking to carry out work nearby an electricity line. All persons will be treated equally under the NES-ENA, and they do not discriminate between users arbitrarily.

## Rule of Law: 9(a)(iv)

**There should be an independent impartial judiciary**

**Inconsistency identified?** NOT APPLICABLE

**Summary of agency analysis**

The amendments do not affect the constitutional role of the judiciary.

## Rule of Law: 9(a)(v)

**Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion**

**Inconsistency identified?** NO

**Summary of agency analysis**

The amendments are expected to reduce administrative burden by applying permitted activity status to more activities, reducing the obligation to obtain a resource consent for electricity network activities and thereby reducing the exercise of administrative discretion.

Where an operator does not meet the permitted activity standards, the NES-ENA sets a controlled activity status for many routine activities. Controlled activity resource consents must be granted under the RMA, and consent authorities are restricted on what conditions they can impose on a controlled activity consent.

Some activities have a restricted discretionary status and the matters over which discretion has been restricted have been prescribed in the regulations, reducing council or other decision maker discretion on their ability to decline or condition a restricted discretionary activity resource consent.

Some activities with greater risk to human health and safety (for instance, non-compliance with electrical safety distances or breaching electric, magnetic and radiofrequency field standards) triggers discretionary and non-complying activity statuses. This is justified given the potential for significant adverse effects on human health and regulatory discretion around the activity is therefore justified.

Providing for more permitted and controlled activities constrains administrative discretion and resolves legal rights and liability questions up-front in the regulations.

## Liberties: 9(b)

**Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person**

**Inconsistency identified?** NO

**Summary of agency analysis**

The amendments do not unduly or unjustifiably impact on any person's rights or liberties. The NES-ENA will be enabling legislation intended to allow more work to be carried out on the electricity network without requiring a resource consent (regulatory permissions).

### Taking of property: 9(c)

**Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-**

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

**Inconsistency identified?**

NO

**Summary of agency analysis**

The amendments do not provide for the takings of property. However, the National Grid and the electricity distribution safety distance rules introduced by these amendments restrict some activities from being carried out when electricity lines are on or nearby the site. These rules are intended to protect people and property from electrical hazard risks while protecting the electricity network from incompatible land uses. The amendments do provide pathways for people seeking to change land uses or carry out work or development close to electricity lines even when electrical safety distances are not met.

### Taxes, fees and levies: 9(d)

**The importance of maintaining consistency with section 22(a) of the Constitution Act 1986 (Parliamentary control of taxation)**

**Inconsistency identified?**

NOT APPLICABLE

**Summary of agency analysis**

The amendments do not authorise or impose taxes, fees or levies.

### Taxes, fees and levies: 9(e)

**Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates**

**Inconsistency identified?**

NOT APPLICABLE

**Summary of agency analysis**

The amendments do not authorise or impose taxes, fees or levies.

### Taxes, fees and levies: 9(f)

**Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—**

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

**Inconsistency identified?**

NOT APPLICABLE

**Summary of agency analysis**

The amendments do not impose taxes, fees or levies.

### Role of courts: 9(g)

**Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation**

**Inconsistency identified?**

NOT APPLICABLE

**Summary of agency analysis**

The amendments do not affect the constitutional role of the courts.

### Role of courts: 9(h)

**Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review**

**Inconsistency identified?**

NOT APPLICABLE

**Summary of agency analysis**

The amendments do not affect or alter appeal or judicial review rights under the RMA.

### Additional information

**Relevant publicly available inquiry, review, or evaluation reports**

A regulatory impact statement has been attached.

**Relevant international treaties, standards and obligations**

Officials have not identified any relevant international treaties or obligations affected by these amendments.

**Information on external consultation**

### **Pre-engagement consultation**

MfE and MBIE engaged with Transpower, Electricity Networks Aotearoa (ENA), Electricity Sector Environment Group (ESEG) and some EDBs such as Vector and Powerco, prior to the statutory consultation, to better understand the problems under the NES-ETA and local plans, and what the electricity sector needs from an enabling planning and resource management system.

Stakeholders largely shared officials' characterisation of the problem definition, expressing views that the NES-ETA can in some circumstances be overly restrictive, is generally out of date and no longer reflects technological and electrification needs.

### **Statutory consultation**

The Government publicly consulted on amendments to the NES-ETA as part of package 1 *Infrastructure and development* discussion document in the National Direction programme.<sup>2</sup> Consultation ran from 29 May 2025 to 27 July 2025, in accordance with section 46A of the RMA. Officials hosted webinars and forums, which provided an opportunity to discuss the proposed amendments with various interest groups.

Officials received 164 submissions on the NES-ENA proposal from a wide and representative range of submitters, including the electricity sector, councils, environmental NGOs, professional bodies (eg, New Zealand Planning Institute and Resource Management Law Association), iwi, hapū and Māori organisations and individuals.

The majority of submitters broadly supported the intent of the proposed NES-ENA, recognising the role of electricity network activities in supporting electrification and decarbonisation. This included support for the inclusion of electricity distribution in the NES-ENA.

### **External testing of drafting**

Officials have arranged to test drafting workability with six experienced practitioners. The aim of testing is to ensure seamless implementation, as opposed to testing policy intent.

### **Contribution of other agencies**

Ministry of Culture and Heritage advised on regulations in relation to historic heritage.

Ministry of Health and Te Whatu Ora advised on compliance with the electric, magnetic and radiofrequency field standards.

---

<sup>2</sup> MfE. *Discussion document: Infrastructure and development Package 1* (May 2025)  
<https://environment.govt.nz/assets/publications/RMA/package-1-infrastructure-and-development-discussion-document.pdf>.