



PROACTIVE RELEASE COVERSHEET

Minister	Minister Bishop	Portfolio	RMA Reform
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List of documents that have been proactively released

Date	Title	Author
19 June 2026	Summary of Underpinning Analysis: Amendments to the National Environmental Standards for Telecommunication Facilities 2016	Ministry for the Environment Ministry of Business, Innovation and Employment

Information redacted **NO**

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Summary of reasons for redaction

N/A

Summary of Underpinning Analysis: Amendments to the National Environmental Standards for Telecommunication Facilities 2016

Agencies responsible	Ministry for the Environment (MfE) Ministry for Business, Innovation and Employment (MBIE)
Portfolio	Minister Responsible for RMA Reform
Date finalised	19 June 2026

Note: This Summary of Underpinning Analysis is accompanied by a Final Regulatory Impact Statement (RIS) that was finalised in May 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 Telecommunication Facilities (NES-TF), which show that the regulations are inadequate to meet the expectations New Zealanders have for affordable and reliable telecommunications services:

- The permitted activity standards have not kept up with modern technology such as 5G and fibre broadband
- The permitted activity standards do not allow telecommunication poles to ‘reach’ over medium density housing, and

- The permitted activity standards do not enable infrastructure such as solar panels, wind turbines, battery storage and temporary facilities, which are critical for network resilience during an emergency.

And officials have determined the nature and scale of the problem

- Telecommunications technology advances faster than perhaps any other infrastructure sector.
- The average cost of each resource consent for telecommunication providers is \$15,000.
- Since 2022, approximately 67% of all new cell phone towers have required resource consent.
- The number of resource consents sought by telecommunication providers has nearly doubled between 2014/15 and 2023/4.
- Total consent fees for telecommunications facilities have been approximately \$6 million between 2014/15 and 2023/4.
- Sapere Research Group (2021) showed that for projects costing less than \$200,000, consenting costs are disproportionate and average 16% of the overall project cost.¹
- Severe weather since 2023 has highlighted key risks to the telecommunications network, also emphasising how critical telecommunications is to response and recovery, and hence the need for greater resilience in the face of climate change risks.

Consenting costs and district plan rules create a disincentive for the telecommunications sector to deploy modern telecommunications infrastructure such as 5G at pace. Where projects proceed, extra costs from a resource consent process appear to be passed on to consumers. Consumers who cannot afford or do not have access to telecommunication services are disadvantaged compared to those who can.

Affordable and reliable access to these services is a matter of public interest.

Telecommunications infrastructure is critical for operating smartphones, artificial intelligence, data-streaming, remote working, digital services (eg, tele-health), and for meeting expectations for rural connectivity and resilience during an emergency.

Officials considered all the feasible options available

Ultimately, non-regulatory options alone were considered insufficient because the core problems lie with the inadequacy of the NES-TF. Regulatory intervention is therefore required.

Officials considered two key options:

- Amendments designed only to update the existing technical standards; or
- Amendments to update the existing technical standards and expand the scope of permitted activities to include small-scale renewable generation to power facilities, temporary facilities, and connections to heritage buildings.

¹ 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>

Officials recommended the second option, because it best addresses the core problems of the NES-TF. The Minister agreed.

The second option also generates the greatest net benefits for the sector and consumers.

Officials did not fully consider other options such as excluding telecommunications from the scope of the RMA, or developing a new NES-TF, because the Government still considers regulation for telecommunications infrastructure is appropriate, and amendments to the existing NES-TF would sufficiently address the problems.

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

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

Officials expect the amendments will promote greater digital equity and fairness, as it will help to put downward pressure on pricing, reflected in more affordable household and business phone, mobile and internet bills. Greater enablement will mean that more telecommunications development can occur in more places such as rural areas and fibre installations on heritage buildings. Both households and businesses are expected to benefit from the policy intervention.

Officials have not identified any Treaty settlement legislation or other arrangements that will be affected by these amendments.

A small number of New Zealanders could be detrimentally affected where new facilities are installed outside front yards without a resource consent process.

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 costs associated with transitioning to this updated NES-TF (less than \$1 million overall) for central government, councils and the telecommunications sector. These include staff costs to developing the instruments, as well as costs for planners, engineers, enforcement officers and other professionals to become familiar with the updated NES-TF and how it applies within each council district. Some user guidance will also be required.

Some additional compliance and monitoring costs may fall on councils because of the greater enablement of larger telecommunication installations. Some of these costs are cost recoverable depending on the circumstances. Officials estimate these costs will be less than \$100,000 annually across councils, although officials do not have robust local government costings.

Some cumulative visual effects are expected

The amendments will permit larger telecommunications facilities, and we expect some cumulative visual effects as a result, particularly in cluttered residential road reserves. However, we do not expect the cumulative visual effects to be significant. Natural and heritage areas (including outstanding landscapes) continue to be protected by district plan rules.

And community engagement is expected to reduce slightly

Where proposed telecommunications infrastructure breaches the NES-TF, decision-making is determined by district plans, and some of those plans require public notification as part of the resource consent process. These enabling amendments will, in some circumstances, remove public engagement requirements. It means that telecommunication providers can install infrastructure without obtaining a resource consent or engaging the public or potentially affected persons. That said, notification of telecommunication consents is relatively rare (about 1.4% of all telecommunication facility applications between 2014/15 and 2022/23 were notified).

The benefits are net positive, and will be distributed over the life of the NES-TF

The degree of certainty afforded to the telecommunication sector by these amendments will provide enduring benefits, particularly as telecommunication technology advances. Officials expect the following benefits from these amendments:

- *Significant sector and council cost reductions* by removing the need for a resource consent in many future cases, and through regulations that enable co-location (estimated between a minimum of \$40 million and \$50 million over the next decade)
- *Downward pressure on consumer prices* creates positive flow-on effects on pricing by removing compliance costs associated with a resource consent
- *Adverse environmental effects avoided or mitigated* by requiring providers to meet permitted activity standards which control the effects of bulk, location, cabinet noise and radiofrequency fields.

Overall, net monetised and non-monetised benefits are positive

The effects of the preferred option will vary by project and investment decisions, which sit outside the resource management system, thereby making precise cost-benefit quantification difficult. The benefits to the economy, society and the environment are expected to be greater than the small direct and moderate indirect costs of intervention.

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 complexity

- The amendments provide a nationally consistent planning framework for installing and operating telecommunications infrastructure.
- The permitted activity standards will reduce compliance costs typically associated with obtaining a resource consent while avoiding or mitigating adverse environmental effects.

The amendments provide regulations proportionate to the problems and activities

- Standards can adequately manage the effects of an activity with minor effects, and this has been officials' and the Minister's preferred option.
- The size of telecommunications poles permitted by the amendments is proportionate and commensurate with zoning character (ie, less enablement in residential areas, greatest enablement in rural areas).
- The amendments do not permit activities with significant adverse effects.

The amendments deliver efficient wins, and implementation is expected to be feasible

- The amendments provide certainty about what telecommunications infrastructure can be built and where. As a result, infrastructure delivery is expected to be faster than under the status quo.
- Officials have engaged with the telecommunications sector and councils throughout the policy development process to ensure implementation is not only feasible but much easier than the status quo.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified?

NO

Summary of agency analysis

While the current NES-TF drafting relating to antennas on poles (subpart 2) is complex, the amendments have intentionally sought to make the regulations easier to use, clearer and more accessible to the public. The amendments provide pole size standards according to zone type, which replaces the currently complicated way of calculating pole heights and widths. A clear national framework will indicate to all users how big a cell tower can be built and where it can be located, throughout the country, without requiring a resource consent.

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

The amendments will be incorporated into the NES-TF 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 NES-TF amendments do not apply retrospectively and existing use rights 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 NES-TF applies to facility operators, defined as:

Facility operator means—

- (a) a network operator (as defined in [section 5](#) of the Telecommunications Act 2001); or
- (b) the Crown (as defined in [section 2\(1\)](#) of the Public Finance Act 1989); or
- (c) a Crown agent (as defined in [section 10\(1\)](#) of the Crown Entities Act 2004)

While only these entities will benefit from the NES-TF, it continues to bind both the Crown and private institutions installing telecommunications facilities.

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 reduce administrative discretion by applying permitted activity standards to more activities, which must be met in order to proceed with a telecommunications activity without obtaining a resource consent.

Non-compliance with the standards defers decision making to district plans, except in a few cases the NES-TF prescribes the higher activity status for non-compliance with the standards.

Applying more permitted and controlled activities constrains administrative discretion and resolves legal rights and liability questions up-front through 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-TF allows more telecommunications facilities to be installed and work to be carried out on the telecommunications network without requiring resource consents.

Activity standards will minimise effects on neighbouring properties too, protecting owners' rights to enjoy the use of their property.

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 include two setbacks (a residential setback and a rural setback) used to protect character, visual dominance and shading effects from telecommunication masts on residential, educational or cultural land uses.

The rural setback restricts a new mast from being installed within 50 metres of buildings used for residential, educational purposes and marae, pakakāinga and places of worship. It doesn't restrict a person seeking to build a dwellinghouse within 50 metres of an existing telecommunications mast. The rural setback applies only to the neighbouring property, allowing landowners to host poles or masts on their own property within 50 metres of their own house, if they wish.

The residential setback protects residential character from larger poles permitted to be constructed in adjoining mixed-use, commercial, industrial, neighbourhood centre and local centre zones.

These setbacks are justified because they protect people and their property from visual dominance and shading, including managing effects on neighbouring properties and maintaining people's enjoyment of their property. They also manage reverse sensitivity effects, ensuring telecommunications infrastructure is appropriately set back from where people live and play.

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 authorise or 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 judiciary.

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 is attached.

Relevant international treaties, standards and obligations

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

Information on external consultation

Pre-engagement consultation

Ministry of Business, Innovation and Employment engaged with the following stakeholders and entities prior to the statutory consultation:

- Planners and environmental managers from telecommunication providers, including the tower companies (TowerCos), mobile network operators (MNOs), Chorus and the other local fibre companies (LFCs), several wireless internet service providers (WISPs), Tait Communications, Tū Ātea, Kordia, Nokia, and Transpower;
- Local government practitioners;
- The National Infrastructure Funding and Financing company which administers government-funded connectivity programmes;
- Infrastructure Commission;

- New Zealand Planning Institute (NZPI); and
- Relevant post-settlement government entities (PSGEs).

Officials also invited further engagement with several other Māori representative groups, including the Data Iwi Leaders Group and Papa Pounamu (a technical interest group aligned with NZPI).

All stakeholders that officials engaged with largely shared the above characterisation of the problem definition, expressing views that the NES-TF is overly restrictive, out of date and no longer reflects technological and urban developments.

Statutory consultation

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

Officials received 185 submissions on the NES-TF proposal, with 90 from organisations and 95 from individuals. The submissions informed the final policy proposal.

External testing of drafting

Officials have arranged to test drafting workability with eight 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 New Zealand Standard on Radiofrequency fields and the current international guidelines.

National Infrastructure Funding and Financing Company also provided advice to lead agencies.

² 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>.