



Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Patsy Reddy, Governor-General

Order in Council

At Wellington this 21st day of November 2016

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 43 and 43A of the Resource Management Act 1991—

- (a) on the recommendation of the Minister for the Environment made in accordance with section 44 of that Act; and
- (b) on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

2 Commencement

These regulations come into force on 1 January 2017.

Part 1
Preliminary matters

3 Purpose

These regulations—

- (a) prescribe the standards that must be complied with in relation to the use of land for regulated activities for the purposes of sections 9 and 15 of the Act; and
- (b) classify regulated activities for the purposes of section 87A of the Act.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Resource Management Act 1991

ancillary equipment means telecommunications, radiocommunications, electrical or similar equipment it is necessary to install with a facility to enable the facility to operate as intended, but not a self-contained power unit or a lightning rod

antenna means a device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit

antenna A has the meaning given in regulation 26

antenna B has the meaning given in regulation 28

antenna C has the meaning given in regulation 30

antenna D has the meaning given in regulation 32

baseline date has the meaning given in regulation 6

baseline pole has the meaning given in regulation 6

cabinet means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following:

- (a) a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line:
- (b) a casing that is wholly underground:
- (c) a casing that is inside a building:
- (d) a building

customer connection line means a telecommunication line that connects a telecommunications distribution network to a premises for the purpose of enabling a facility operator to provide telecommunication services to a customer

date A has the meaning given in regulation 26

date B has the meaning given in regulation 28

date C has the meaning given in regulation 30

date D has the meaning given in regulation 32

earthworks means a disturbance of soil, earth, or substrate land surfaces (including by blading, boring, contouring, cutting, drilling, excavating, filling, moving, piling, placing, removing, replacing, ripping, thrusting, or trenching)

facility means an antenna, cabinet, telecommunication line, or small cell unit

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)

headframe means a structure attached to a pole that—

- (a) enables more than 1 antenna to be attached to the pole; and
- (b) results in the notional envelope of the pole being larger than 0.7 m in diameter

installing and operating, in relation to a facility, has the meaning given in regulation 5

location, in relation to a facility that has not yet been installed, means the location where the facility will be once it has been installed

mount means equipment used to attach—

- (a) an antenna to a building; or
- (b) an antenna to a pole without a headframe; or
- (c) an antenna to a headframe; or
- (d) a headframe to a pole

non-dish antenna means an antenna that is not a dish antenna

notional envelope, for a pole, means the smallest notional cylindrical shape into which all non-dish antennas attached to the pole (including any shroud but not including any mount or ancillary equipment) would fit

pole means a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas

pole A has the meaning given in regulation 26

pole B has the meaning given in regulation 28

pole C has the meaning given in regulation 30

pole D has the meaning given in regulation 32

protrusion distance means the amount by which the outer edge of a dish antenna protrudes from the edge of the pole to which it is attached

regulated activity means an activity that is declared by regulation 19, 26, 28, 30, 32, 34, 36, 38, 39, 41, or 43 to be a regulated activity

residential zone means an area identified in a district plan or proposed district plan as being zoned primarily for residential activities, but not an area zoned for rural/residential or countryside living activities (however described)

RFG facility means—

- (a) an antenna or a small cell unit, if it generates radiofrequency fields or will do so when it is in operation; or
- (b) a cabinet, if the equipment in the cabinet generates radiofrequency fields or will do so when the equipment is in operation

road reserve means a formed legal road and any land next to it up to the legal boundary of the adjoining land

rural zone means an area identified in a district plan or proposed district plan as being zoned primarily for rural activities, including an area zoned for rural/residential or countryside living activities (however described)

self-contained power unit means equipment installed with a facility for the purpose of generating power for that facility (such as solar panels), including cables connecting the equipment to the facility

small cell unit means a device—

- (a) that receives or transmits radiocommunication or telecommunication signals; and
- (b) the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11 m³

standard, in relation to a regulated activity, means the standard set out for that activity in the regulation that declares it to be a regulated activity

surface-mounted line means a telecommunication line that is mounted on the surface of a structure (such as a wall, fence, or paving)

telecommunication line means a wire, or conductor of any other kind (including a fibre optic cable), referred to in paragraph (a) of the definition of line in section 5 of the Telecommunications Act 2001.

5 Installing and operating a facility

- (1) **Installing and operating** a facility means—
- (a) installing and operating the facility; and
 - (b) installing and operating any of the following:
 - (i) ancillary equipment for the facility;
 - (ii) in relation to an antenna attached to a pole, the pole and any head-frame, mount, or shroud;
 - (iii) in relation to an antenna on a building, any mount or shroud;
 - (iv) in relation to a cabinet, the equipment in the cabinet;
 - (v) in relation to a telecommunication line, any structure supporting the line;
 - (vi) a lightning rod for the facility;
 - (vii) a plinth or other foundation supporting the facility or anything referred to in this paragraph; and
 - (c) carrying out repairs and maintenance of the facility or anything referred to in paragraph (b); and
 - (d) carrying out earthworks associated with anything referred to in paragraph (a), (b), or (c).
- (2) However, **installing and operating** a facility does not include—
- (a) installing and operating either of the following:
 - (i) a self-contained power unit;
 - (ii) a track that provides access to the facility; or
 - (b) carrying out repairs and maintenance of anything referred to in paragraph (a); or
 - (c) carrying out earthworks associated with anything referred to in paragraph (a) or (b).

6 Meaning of baseline pole and baseline date

- (1) This regulation defines the terms **baseline pole** and **baseline date** in relation to pole A in regulation 27, pole C in regulation 31, and pole D in regulation 33 (the **relevant pole**).
- (2) If the relevant pole was erected before 1 January 2017,—
- (a) the baseline pole is the relevant pole; and
 - (b) the baseline date is 1 January 2017.

- (3) If the relevant pole was erected after 1 January 2017 for a purpose other than the installation of an antenna,—
 - (a) the baseline pole is the relevant pole; and
 - (b) the baseline date is date A for regulation 27, date C for regulation 31, and date D for regulation 33.
- (4) If the relevant pole was erected after 1 January 2017, for the purpose of installing 1 or more antennas on it, and is not a replacement for another pole,—
 - (a) the baseline pole is the relevant pole; and
 - (b) the baseline date is date A for regulation 27, date C for regulation 31, and date D for regulation 33.
- (5) If the relevant pole was erected after 1 January 2017, for the purpose of installing 1 or more antennas on it, and is a replacement for another pole (**pole X**),—
 - (a) the baseline pole is—
 - (i) if pole X was not a replacement for a previous pole, pole X; or
 - (ii) if the relevant pole is the latest in a series of 2 or more pole replacements, the first pole in that series to have an antenna installed on it after 1 January 2017; and
 - (b) the baseline date is immediately before work begins to install the first antenna that was installed on the baseline pole.

7 Measurements

- (1) The height of a cabinet is to be measured—
 - (a) from the bottom of the cabinet at its lowest point (not including any plinth or other foundation):
 - (b) to the highest point of the cabinet.
- (2) The width of a pole is to be measured at the widest point of the pole (not including any antenna, headframe, mount, shroud, or ancillary equipment).
- (3) The width of a headframe is to be measured at the widest point of the headframe and all antennas attached to it (not including any shroud or ancillary equipment).
- (4) The width of a support structure for a telecommunication line is to be measured at the widest point of the structure (not including the line or any ancillary equipment).
- (5) The width of a pole, headframe, or support structure means—
 - (a) if it is circular, its diameter; or
 - (b) otherwise, its widest cross-sectional measurement.
- (6) The height of a pole is to be measured—
 - (a) from the following (measured at the centre of the pole):

- (i) if the pole is erected on the ground and with no plinth or other foundation, ground level; or
 - (ii) if the pole is erected on the ground with a plinth or other foundation, the top of the plinth or foundation; or
 - (iii) if the pole is erected on a structure (such as a bridge), the upper surface of the structure:
- (b) to the highest point of the pole (not including any headframe, antennas, mount, shroud, or ancillary equipment).
- (7) The height of a pole and all antennas is to be measured—
- (a) from the point described in subclause (6)(a):
 - (b) to the highest point of the pole, any headframe, and all antennas (not including any mount, shroud, or ancillary equipment).
- (8) All measurements are to be made not including any lightning rod.
- (9) The distance between 2 things is to be measured at their closest point.

8 Application of regulations to coastal marine area and rivers and lakes

- (1) These regulations do not apply to anything done in the coastal marine area or in, on, under, or over the bed of a river or lake.
- (2) However, these regulations do apply to anything done over a river or lake (such as on a bridge).

9 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 2

Carrying out of regulated activities

10 Restrictions on land use for regulated activities

For the purposes of sections 9 and 15 of the Act, a person must not use land for a regulated activity unless the activity—

- (a) is carried out in accordance with the standard (and is therefore a permitted activity); or
- (b) is allowed by a resource consent.

11 Activity complying with standard is permitted activity

A regulated activity is a permitted activity if it is carried out in accordance with the standard.

12 Status if not permitted activity

If a regulated activity is not a permitted activity under regulation 11,—

- (a) if the facility is an RFG facility, the status of the activity is to be determined under regulation 13; or
- (b) otherwise, the status of the activity is to be determined under regulations 14 to 18.

13 RFG facilities: status in respect of generation of radiofrequency fields

- (1) This regulation applies to a regulated activity if—
 - (a) the facility is an RFG facility; and
 - (b) the activity is not a permitted activity under regulation 11.
- (2) If regulation 55 is complied with,—
 - (a) in respect of the generation of radiofrequency fields, the activity is a permitted activity; and
 - (b) in all other respects, the status of the activity is to be determined in accordance with regulations 14 to 18.
- (3) If regulation 55 is not complied with—
 - (a) in respect of the generation of radiofrequency fields, the activity is a non-complying activity; and
 - (b) in all other respects,—
 - (i) if all other regulations compliance with which are part of the standard are complied with, the activity is a permitted activity; or
 - (ii) otherwise, the status of the activity is to be determined in accordance with regulations 14 to 18.

14 Controlled activities

- (1) A regulated activity is a controlled activity if—
 - (a) it is carried out not in accordance with the standard; and
 - (b) under the relevant district plan or proposed district plan, it is a permitted activity or controlled activity.
- (2) For the purposes of section 87A(2)(b) of the Act, control is reserved over the subject matter of each regulation (or component of a regulation)—
 - (a) compliance with which is part of the standard; and
 - (b) that is not complied with.

15 Restricted discretionary activities

- (1) A regulated activity is a restricted discretionary activity if—
 - (a) it is carried out not in accordance with the standard; and
 - (b) under the relevant district plan or proposed district plan, it is a restricted discretionary activity.

- (2) For the purposes of section 87A(3)(a) of the Act, discretion is restricted over the subject matter of each regulation (or component of a regulation)—
- (a) compliance with which is part of the standard; and
 - (b) that is not complied with.

16 Discretionary activities

A regulated activity is a discretionary activity if—

- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, the activity—
 - (i) is a discretionary activity; or
 - (ii) is not classified as a controlled, restricted discretionary, discretionary, non-complying, or prohibited activity.

17 Non-complying activities

A regulated activity is a non-complying activity if—

- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, it is a non-complying activity.

18 Prohibited activities

A regulated activity is a prohibited activity if—

- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, it is a prohibited activity.

Part 3

Regulated activities and standards

Subpart 1—Cabinets

19 Regulated activity and standard

- (1) The installation and operation of a cabinet by a facility operator is a regulated activity.
- (2) The standard for the activity is that—
 - (a) regulation 20 or 21, as applicable, must be complied with; and
 - (b) if the cabinet is in a road reserve,—
 - (i) regulation 22 must be complied with (subject to regulation 23); and
 - (ii) regulation 24 must be complied with; and

- (c) if the cabinet is not in a road reserve, regulation 25 must be complied with; and
- (d) each regulation in subpart 5, if it applies, must be complied with; and
- (e) if the activity includes earthworks, regulation 54 must be complied with; and
- (f) if the cabinet is an RFG facility, regulation 55 must be complied with.

20 Cabinet not servicing antenna on building

- (1) This regulation applies to any cabinet other than one to which regulation 21 applies.
- (2) This regulation is complied with if—
 - (a) the height, footprint, and grouping rules in subclause (3) are complied with; and
 - (b) one of the following applies:
 - (i) the cabinet’s equipment does not require power:
 - (ii) power for the cabinet’s equipment is provided by a self-contained power unit:
 - (iii) the power supply for the cabinet’s equipment is connected under the ground or inside the cabinet.
- (3) The **height, footprint, and grouping rules** are as follows:
 - (a) if the cabinet is in a road reserve that is in, or adjoins, a residential zone,—
 - (i) the height of the cabinet must not be more than 1.8 m; and
 - (ii) the footprint of the cabinet must not be more than 1.4 m²; and
 - (iii) the group rules in regulation 22 must be complied with (subject to regulation 23):
 - (b) if the cabinet is in any other road reserve,—
 - (i) the height of the cabinet must not be more than 2 m; and
 - (ii) the footprint of the cabinet must not be more than 2 m²; and
 - (iii) the group rules in regulation 22 must be complied with (subject to regulation 23):
 - (c) if the cabinet is not in a road reserve and is in a residential zone,—
 - (i) the height of the cabinet must not be more than 2 m; and
 - (ii) the footprint of the cabinet must not more than 2 m²:
 - (d) if the cabinet is not in a road reserve and is not in a residential zone,—
 - (i) the height of the cabinet must not be more than 2.5 m; and
 - (ii) the footprint of the cabinet must not be more than 5 m².

- (4) In this regulation, part of a road reserve **adjoins** a residential zone if that part of the road reserve adjoins, and is on the same side of the road as, land that is in a residential zone.

21 Cabinet servicing antenna on building

- (1) This regulation applies to a cabinet that houses equipment the primary purpose of which is to service an antenna that is located on a building.
- (2) This regulation is complied with if—
- (a) the height, footprint, and grouping rules in subclause (3) are complied with; and
 - (b) for a cabinet that is on the ground, one of the following applies:
 - (i) the cabinet's equipment does not require power:
 - (ii) power for the cabinet's equipment is provided by a self-contained power unit:
 - (iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.
- (3) The **height, footprint, and grouping rules** are as follows:
- (a) if the cabinet is on the building,—
 - (i) the height of the cabinet must not be more than 2 m; and
 - (ii) the footprint of the cabinet must not be more than 2 m²:
 - (b) if the cabinet is not on the building, the requirements set out in regulation 20(3) must be complied with.

22 Group rules for cabinets in road reserves

- (1) The **group rules** for a cabinet in a road reserve are that, at the time a cabinet is installed,—
- (a) the cabinet must be—
 - (i) at least 30 m away from any other cabinet that is on the same side of the road; or
 - (ii) in a group of cabinets; and
 - (b) if the cabinet is in a group,—
 - (i) each cabinet in the group must be at least 30 m away from any cabinet that is on the same side of the road and is not in the group; and
 - (ii) the total footprint of all cabinets in the group must not be more than 2 m².
- (2) Two or more cabinets are in a **group** if the distance between each cabinet and the one nearest to it is not more than 0.5 m.

23 Temporary contravention of group rules

- (1) This regulation applies if—
 - (a) a cabinet (the **new cabinet**) is installed for the purpose of housing equipment that will replace the equipment in an existing cabinet (the **old cabinet**); and
 - (b) the equipment in the new cabinet—
 - (i) is for the purposes of the same telecommunications network as the equipment in the old cabinet; or
 - (ii) relates to a telecommunications network that will replace the network to which the equipment in the old cabinet relates; and
 - (c) in the absence of this regulation, the group rules in regulation 22 would not be complied with in relation to the new cabinet.
- (2) For the purposes of determining whether the group rules are complied with in relation to the new cabinet, compliance with the group rules—
 - (a) is not to be assessed when the new cabinet is installed; and
 - (b) is instead to be assessed at the expiry of 3 months from when,—
 - (i) if subclause (1)(b)(i) applies, the new cabinet is installed; or
 - (ii) if subclause (1)(b)(ii) applies, the old telecommunications network is discontinued.
- (3) Until the expiry of the 3 months referred to in subclause (2)(b), the group rules are taken to be complied with.

24 Noise limits for cabinet in road reserve

- (1) This regulation applies to a cabinet located in a road reserve.
- (2) This regulation is complied with if the noise from the cabinet does not exceed the noise limits set out in subclauses (3) and (4).
- (3) If the cabinet is located in a residential zone or an adjoining road reserve, the noise limits for the cabinet are,—
 - (a) between 7 am and 10 pm, 50 dB $L_{Aeq(5min)}$; and
 - (b) between 10 pm and 7 am,—
 - (i) 40 dB $L_{Aeq(5min)}$; and
 - (ii) 65 dB L_{AFmax} .
- (4) For any other cabinet, the noise limits for the cabinet are,—
 - (a) at any time, 60 dB $L_{Aeq(5min)}$; and
 - (b) between 10 pm and 7 am, 65 dB L_{AFmax} .

How noise to be measured

- (5) The measurement of the noise from a cabinet must be—
 - (a) made in accordance with NZS 6801; and

- (b) adjusted in accordance with NZS 6801 to a free field incident sound level; and
- (c) assessed in accordance with NZS 6802.

Where noise to be measured

- (6) If a building containing a habitable room is within 4 m of the road reserve where the cabinet is located, the noise must be measured at a point that is—
 - (a) 1 m from the side of the building; or
 - (b) on the vertical plane of the side of the building.
- (7) In any other case, the noise must be measured at a point that is—
 - (a) at least 3 m from the cabinet; and
 - (b) within the boundaries of land adjoining the road reserve where the cabinet is located.
- (8) In this regulation,—

adjoining road reserve, in relation to a zone in a district plan or proposed district plan, means that part of a road reserve that adjoins, and is on the same side of the road as, land that is in that zone

$L_{Aeq(5min)}$ has the same meaning as in NZS 6801

L_{AFmax} has the same meaning as in NZS 6801

NZS 6801 means NZS 6801:2008 Acoustics – Measurement of environmental sound

NZS 6802 means NZS 6802:2008 Acoustics – Environmental noise.

25 Noise limits for cabinet not in road reserve

- (1) This regulation applies to a cabinet not located in a road reserve.
- (2) This regulation is complied with if the cabinet is installed and operated in accordance with the district rules about noise from a facility at the place where the cabinet is located.

Subpart 2—Antennas

Antennas on existing poles in road reserve

26 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna A**) by a facility operator is a regulated activity if—
 - (a) before work to install antenna A begins (**date A**),—
 - (i) there is a pole (**pole A**) in a road reserve; and
 - (ii) if there are any antennas attached to pole A (whether operated by the same or a different facility operator), their installation and operation complies with the Act; and

- (b) antenna A (alone or with 1 or more other antennas) is to be installed—
 - (i) on pole A in pole A's original location; or
 - (ii) on pole A after pole A is moved to a new location; or
 - (iii) on a new pole erected to replace pole A.
- (2) The standard for the activity is that—
 - (a) regulation 27 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulation 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

27 Antenna on existing pole in road reserve

- (1) This regulation applies to the regulated activity described in regulation 26.
- (2) This regulation is complied with if, at the time antenna A is installed,—
 - (a) if pole A is moved or replaced, the location of the pole on which antenna A is installed (the **final pole**)—
 - (i) is in the road reserve; and
 - (ii) is not more than 5 m from pole A's location on date A; and
 - (b) the antenna size rules in subclause (3) or (4) are complied with; and
 - (c) the number of dish antennas attached to the final pole is not more than,—
 - (i) if more than 2 dish antennas were attached to pole A on date A, that number; or
 - (ii) otherwise, 2; and
 - (d) the pole height rules in subclause (5) are complied with; and
 - (e) the pole width rules in subclause (6) are complied with; and
 - (f) if the final pole has a headframe, the headframe rules in subclause (7) are complied with.
- (3) If antenna A is a non-dish antenna, the **antenna size rules** are that,—
 - (a) if the final pole has a headframe, the width of antenna A must not be more than,—
 - (i) if antenna A is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
 - (ii) otherwise, 0.7 m; or
 - (b) if the final pole does not have a headframe, the notional envelope for the final pole must not be larger than,—

- (i) if pole A's notional envelope on date A was larger than 3.5 m in length and 0.7 m in diameter, the size of pole A's notional envelope on date A; or
 - (ii) otherwise, 3.5 m in length and 0.7 m in diameter.
- (4) If antenna A is a dish antenna, the **antenna size rules** are that—
 - (a) the diameter of the dish must not be more than,—
 - (i) if antenna A is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or
 - (ii) otherwise, 0.38 m; and
 - (b) antenna A's protrusion distance must not be more than,—
 - (i) if antenna A is a replacement for an existing dish antenna that had a protrusion distance of more than 0.6 m, the protrusion distance of the replaced antenna; or
 - (ii) otherwise, 0.6 m.
- (5) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—
 - (a) the height of the baseline pole on the baseline date plus 3.5 m; and
 - (b) the height of the baseline pole and all antennas on the baseline date.
- (6) The **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—
 - (a) if 1 or more antennas were attached to the baseline pole on the baseline date, 1.3; or
 - (b) otherwise, 2.
- (7) The **headframe rules** are that—
 - (a) the headframe was on pole A on date A; or
 - (b) the headframe—
 - (i) is a replacement for a headframe that was on pole A on date A; and
 - (ii) has a width that is not more than the width of the replaced headframe.

Antennas on new poles in road reserve

28 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna B**) by a facility operator is a regulated activity if,—
 - (a) before work to install antenna B begins, a pole (**pole B**) is to be erected—

- (i) at a location that—
 - (A) is in a road reserve; and
 - (B) is within 100 m of an existing pole in the road reserve; and
 - (ii) for the purpose of installing antenna B (alone or with 1 or more other antennas) on pole B; and
 - (b) pole B is not a replacement for an existing pole.
- (2) The standard for the activity is that—
- (a) regulation 29 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulation 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

29 Antenna on new pole in road reserve

- (1) This regulation applies to the regulated activity described in regulation 28.
- (2) This regulation is complied with if, at the time antenna B is installed,—
- (a) pole B does not have a headframe; and
 - (b) the antenna size rules in subclause (3) are complied with; and
 - (c) no more than 2 dish antenna are attached to pole B; and
 - (d) the pole height rules in subclause (4) are complied with; and
 - (e) the pole width rules in subclause (5) are complied with.
- (3) The **antenna size rules** are that,—
- (a) if antenna B is a non-dish antenna, pole B's notional envelope must not be larger than 3.5 m in length and 0.7 m in diameter; or
 - (b) if antenna B is a dish antenna,—
 - (i) the diameter of the dish must not be more than 0.38 m; and
 - (ii) antenna B's protrusion distance must not be more than 0.6 m.
- (4) The **pole height rules** are that the height of pole B and all antennas must not be more than,—
- (a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the height of the neighbouring pole plus 3.5 m; or
 - (b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the heights of all the neighbouring poles plus 3.5 m.
- (5) The **pole width rules** are that the width of pole B must not be more than,—
- (a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the width of the neighbouring pole multiplied by,—

- (i) if the neighbouring pole has 1 or more antennas attached to it, 1.3; or
 - (ii) otherwise, 2; or
 - (b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the widths of the neighbouring poles multiplied by,—
 - (i) if any of the neighbouring poles has 1 or more antennas attached to it, 1.3; or
 - (ii) otherwise, 2.
- (6) In this regulation, a pole is a **neighbour** of pole B in a particular direction along the road reserve if the pole—
- (a) is in the road reserve; and
 - (b) was erected before pole B; and
 - (c) is not more than 100 m from pole B; and
 - (d) is the pole nearest to pole B in that direction along the road reserve.

Antennas on existing poles with antennas not in road reserve and in residential zone

30 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna C**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna C begins (**date C**), there is a pole (**pole C**) that—
 - (i) is not in a road reserve; and
 - (ii) is in a residential zone; and
 - (iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and
 - (b) the installation and operation of the existing antennas on pole C complies with the Act; and
 - (c) antenna C (alone or with 1 or more other antennas) is to be installed—
 - (i) on pole C in pole C's original location; or
 - (ii) on pole C after pole C is moved to a new location; or
 - (iii) on a new pole erected to replace pole C; and
 - (d) the pole on which antenna C is to be installed (the **final pole**) is—
 - (i) not in a road reserve; and
 - (ii) in a residential zone.

- (2) The standard for the activity is that—
 - (a) regulation 31 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

31 Antenna on existing pole with antenna not in road reserve and in residential zone

- (1) This regulation applies to the regulated activity described in regulation 30.
- (2) This regulation is complied with if, at the time antenna C is installed,—
 - (a) if pole C is moved or replaced, the location of the final pole—
 - (i) is not in a road reserve; and
 - (ii) is in a residential zone; and
 - (iii) is not more than 5 m from pole C's location on date C; and
 - (b) the antenna size rules in subclause (3) or (4) are complied with; and
 - (c) the number of dish antenna attached to the final pole is not more than,—
 - (i) if more than 2 dish antenna were attached to pole C on date C, that number; or
 - (ii) otherwise, 2; and
 - (d) the width of the final pole must not be more than 1.3 times the width of the baseline pole on the baseline date; and
 - (e) the final pole does not have a headframe unless pole C had a headframe on date C; and
 - (f) if the final pole has a headframe, the headframe width rules in subclause (5) are complied with; and
 - (g) the pole height rules in subclause (6) are complied with.
- (3) If antenna C is a non-dish antenna, the **antenna size rules** are that the width of antenna C must not be more than,—
 - (a) if antenna C is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
 - (b) otherwise, 0.7 m.
- (4) If antenna C is a dish antenna, the **antenna size rules** are that—
 - (a) the diameter of the dish must not be more than,—
 - (i) if antenna C is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or
 - (ii) otherwise, 0.38 m; and

- (b) antenna C's protrusion distance must not be more than,—
 - (i) if antenna C is a replacement for an existing dish antenna the protrusion distance of which was more than 0.6 m, the protrusion distance of the replaced antenna; or
 - (ii) otherwise, 0.6 m.
- (5) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—
 - (a) if the width of the headframe on pole C on date C was more than 6 m, the width of that headframe; or
 - (b) otherwise, the lesser of—
 - (i) 6 m; and
 - (ii) double the width of the headframe on pole C on date C.
- (6) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—
 - (a) the height of the baseline pole on the baseline date plus 3.5 m; and
 - (b) the height of the baseline pole and all antennas on the baseline date.

Antennas on existing poles with antennas not in road reserve and not in residential zone

32 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna D**) by a facility operator is a regulated activity if,—
 - (a) before work to install antenna D begins (**date D**), there is a pole (**pole D**) that—
 - (i) is not in a road reserve; and
 - (ii) is not in a residential zone; and
 - (iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and
 - (b) the installation and operation of the existing antennas on pole D complies with the Act; and
 - (c) antenna D (alone or with 1 or more other antennas) is to be installed—
 - (i) on pole D in pole D's original location; or
 - (ii) on pole D after pole D is moved to a new location; or
 - (iii) on a new pole erected to replace pole D; and
 - (d) the pole on which antenna D is to be installed (the **final pole**) is—
 - (i) not in a road reserve; and

- (ii) not in a residential zone.
- (2) The standard for the activity is that—
 - (a) regulation 33 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

33 Antenna on existing pole with antenna not in road reserve and not in residential zone

- (1) This regulation applies to the regulated activity described in regulation 32.
- (2) This regulation is complied with if, at the time antenna D is installed,—
 - (a) if pole D is moved or replaced, the location of the final pole—
 - (i) is not in a road reserve; and
 - (ii) is not in a residential zone; and
 - (iii) is not more than 5 m from pole D's location on date D; and
 - (b) if the antenna is a dish or panel antenna, the antenna size rules in subclause (3) are complied with; and
 - (c) the pole width rules in subclause (4) or (5) are complied with; and
 - (d) if the final pole has a headframe, the headframe width rules in subclause (6) are complied with; and
 - (e) the pole height rules in subclause (7) are complied with.
- (3) The **antenna size rules** are that,—
 - (a) if antenna D is a panel antenna, the width of the panel must not be more than,—
 - (i) if antenna D is a replacement for an existing panel antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
 - (ii) otherwise, 0.7 m; or
 - (b) if antenna D is a dish antenna, the diameter of the dish must not be more than,—
 - (i) if antenna D is a replacement for an existing dish antenna the diameter of which was more than 1.2 m, the diameter of the replaced antenna; or
 - (ii) otherwise, 1.2 m.
- (4) If the final pole is in a rural zone, the **pole width rules** are that the width of the final pole must not be more than,—
 - (a) if the width of pole D on date D was more than 6 m, that width; or

- (b) otherwise, the lesser of—
 - (i) 6 m; and
 - (ii) the width of pole D on date D multiplied by,—
 - (A) if the number of antennas attached to the final pole is more than the number that were attached to pole D on date D, 2; or
 - (B) otherwise, 1.3.
- (5) If the final pole is not in a rural zone, the **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—
 - (a) if the number of antenna attached to the final pole is more than the number that were attached to the baseline pole on the baseline date, 2; or
 - (b) otherwise, 1.3.
- (6) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—
 - (a) if pole D had a headframe on date D the width of which was more than 6 m, the width of that headframe; or
 - (b) otherwise, 6 m.
- (7) The **pole height rules** are that the height of the final pole and all antennas must not be more than,—
 - (a) if the pole was installed without a resource consent in reliance on regulation 34, the lesser of—
 - (i) the height of pole D and all antennas on date D plus the permitted height increase; and
 - (ii) 25 m; or
 - (b) otherwise, the height of the baseline pole and all antennas on the baseline date plus the permitted height increase.
- (8) In this regulation, the **permitted height increase** is,—
 - (a) if the facility operator for antenna D is the facility operator for all antennas attached to the final pole, 3.5 m; or
 - (b) otherwise, 5 m.

Antennas on new poles not in road reserve and in rural zone

34 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna E**) by a facility operator is a regulated activity if,—
 - (a) before work to install antenna E begins, a pole (**pole E**) is to be erected—

- (i) at a location that—
 - (A) is not in a road reserve; and
 - (B) is in a rural zone; and
- (ii) for the purpose of installing antenna E (whether alone or with 1 or more other antennas) on pole E; and
- (b) the new pole is not a replacement for an existing pole.
- (2) The standard for the activity is that—
 - (a) regulation 35 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

35 Antenna on new pole not in road reserve and in rural zone

- (1) This regulation applies to the regulated activity described in regulation 34.
- (2) This regulation is complied with if, at the time antenna E is installed,—
 - (a) the height of pole E and all antennas is not more than 25 m; and
 - (b) the width of pole E is not more than 6 m; and
 - (c) if pole E has a headframe, the width of the headframe is not more than 6 m; and
 - (d) pole E is at least 50 m away from any building used for residential or educational purposes; and
 - (e) if antenna E is a panel antenna, the width of the panel is not more than 0.7 m; and
 - (f) if antenna E is a dish antenna, the diameter of the dish is not more than 1.2 m.

Antennas on buildings

36 Regulated activity and standard

- (1) The installation and operation by a facility operator of an antenna on a building is a regulated activity.
- (2) The standard for the activity is that—
 - (a) regulation 37 must be complied with; and
 - (b) each regulation in subpart 5, if it applies, must be complied with; and
 - (c) if the activity includes earthworks, regulation 54 must be complied with; and
 - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

37 Antenna on building

- (1) This regulation applies to the regulated activity described in regulation 36.
- (2) This regulation is complied with if,—
 - (a) for a dish or panel antenna, the size rules in subclause (3) are complied with; and
 - (b) the antenna is attached to the building in a way that complies with the attachment rules in subclause (4).
- (3) The **size rules** are that,—
 - (a) if the antenna is a panel antenna, the area of the panel must not be more than 1.5 m²; or
 - (b) if the antenna is a dish antenna, the diameter of the dish must not be more than 1.2 m.
- (4) The **attachment rules** are that—
 - (a) the top of the antenna must not be more than 5 m above,—
 - (i) if the antenna is attached to a vertical surface, the top of that surface, directly above the point at which the antenna is attached to the building; or
 - (ii) otherwise, the point at which the antenna is attached to the building; and
 - (b) if the building is in a residential zone, the lowest point at which the antenna is attached to the building must be at least 15 m above the ground.

Subpart 3—Small cell units

38 Regulated activity and standard

- (1) The installation and operation of a small cell unit by a facility operator is a regulated activity if it is installed on an existing structure.
- (2) The standard for the activity is that—
 - (a) each regulation in subpart 5, if it applies, must be complied with; and
 - (b) if the activity includes earthworks, regulation 54 must be complied with; and
 - (c) if the small cell unit is an RFG facility, regulation 55 must be complied with.

Subpart 4—Telecommunication lines

Customer connection lines

39 Regulated activity and standard

- (1) The installation and operation of a customer connection line by a facility operator is a regulated activity.
- (2) The standard for the activity is that—
 - (a) regulation 40 must be complied with; and
 - (b) regulations 44 and 45, if they apply, must be complied with; and
 - (c) in relation to any part of the customer connection line that is a surface-mounted line, each regulation in subpart 5, if it applies, must be complied with; and
 - (d) if the activity includes earthworks,—
 - (i) in relation to any earthworks that are undertaken at a place that is not in a road reserve, each regulation in subpart 5, if it applies, must be complied with; and
 - (ii) regulation 54 must be complied with.

40 Customer connection line

- (1) This regulation applies to a customer connection line.
- (2) This regulation is complied with if,—
 - (a) for any part of the customer connection line that is a surface-mounted line,—
 - (i) the diameter of the line is not more than 30 mm; and
 - (ii) if the line is enclosed in a conduit, the diameter of the conduit is not more than 32 mm; and
 - (iii) the line (and any conduit) is supported solely by existing structures; and
 - (b) for any part of the customer connection line that is an aerial line,—
 - (i) the diameter of the line is not more than 30 mm; and
 - (ii) the line is supported solely by existing structures.

Aerial telecommunication lines along same routes as existing telecommunication or power lines

41 Regulated activity and standard

- (1) The installation and operation of a telecommunication line (**line A**) by a facility operator is a regulated activity if—
 - (a) line A is not a customer connection line; and

- (b) before line A is installed, there is an existing aerial power line or telecommunication line (the **current line**); and
 - (c) line A is supported only by 1 or more of the following:
 - (i) existing support structures in their original locations;
 - (ii) existing support structures after they have been moved to new locations;
 - (iii) new structures erected to replace existing support structures; and
 - (d) line A is supported by those structures in the same order as the current line.
- (2) The standard for the activity is that—
- (a) regulation 42 must be complied with; and
 - (b) regulations 44 and 45, if they apply, must be complied with; and
 - (c) if the activity includes earthworks, in relation to those earthworks,—
 - (i) each regulation in subpart 5, if it applies, must be complied with; and
 - (ii) regulation 54 must be complied with.
- (3) In this regulation, **existing support structure** means a structure that supported the current line before the installation of line A.

42 Aerial telecommunication line along same route as existing telecommunication or power line

- (1) This regulation applies to the regulated activity described in regulation 41.
- (2) This regulation is complied with if—
- (a) the diameter of line A is not more than 30 mm; and
 - (b) the total volume of ancillary equipment for line A on each support structure (not including any spare line) is not more than 0.4 m³; and
 - (c) if an existing support structure (as defined in regulation 41) is moved or replaced, the location of the moved or replacement structure is not more than 3 m from the existing support structure's original location; and
 - (d) if an existing support structure is moved or replaced, the structure size rules in subclauses (3) and (4) are complied with.
- (3) The **structure size rules** are that—
- (a) the height of the replacement structure must not be more than the height of the existing support structure plus 1 m; and
 - (b) the width of the replacement structure must not be more than 1.5 times the width of the existing support structure.

- (4) However, if the minimum road clearance height for the replacement structure is greater than the height permitted under subclause (3)(a), the **structure size rules** are that—
- (a) the height of the replacement structure must not be more than the minimum road clearance height; and
 - (b) the width of the replacement structure must not be more than is reasonably necessary for a structure of that height.
- (5) The **minimum road clearance height** for a support structure means the minimum height necessary to enable the facility operator to meet its obligations under the Telecommunications Act 2001 relating to the height of line A.

Underground telecommunication lines

43 Regulated activity and standard

- (1) The installation and operation of a telecommunication line by a facility operator is a regulated activity if the line—
- (a) is not a customer connection line; and
 - (b) is an underground line.
- (2) The standard for the activity is that,—
- (a) to the extent that the activity is carried out in a road reserve, regulation 44, if it applies, must be complied with; and
 - (b) to the extent that the activity is carried out at a place that is not in a road reserve, regulations 45 to 51, if they apply, must be complied with; and
 - (c) regulation 54 must be complied with.

Subpart 5—Application of district and regional rules

44 Trees and vegetation in road reserve

- (1) This regulation applies to a regulated activity if—
- (a) the activity is carried out at a place that is in a road reserve and within the drip line of a tree or other vegetation; and
 - (b) in the absence of these regulations, the relevant district plan or proposed district plan would require the facility operator to obtain a resource consent for the regulated activity.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the district rules about the protection of trees and other vegetation that apply at that place.

45 Significant trees

- (1) This regulation applies to a regulated activity if the activity is carried out at a place that—

- (a) is not in a road reserve; and
 - (b) is within the drip line of a tree that is, or is in a group of trees that are, identified in the relevant district plan or proposed district plan as being subject to tree protection rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the tree protection rules that apply in relation to that tree.
- (3) In this regulation, **tree protection rules** means district rules about the protection of trees that are identified in the district plan or proposed district plan as being of special significance (however described).

46 Historic heritage values

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to historic heritage rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the historic heritage rules that apply to that place.
- (3) In this regulation, **historic heritage rules** means district rules about the protection of historic heritage values (however described).

47 Visual amenity landscapes

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to visual amenity landscapes rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscapes rules that apply to that place.
- (3) In this regulation, **visual amenity landscapes rules** means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).

48 Significant habitats for indigenous vegetation

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to significant vegetation rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the significant vegetation rules that apply to that place.
- (3) In this regulation, **significant vegetation rules** means district rules about the protection of significant habitats for indigenous vegetation (however described).

49 Significant habitats for indigenous fauna

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to significant fauna rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the significant fauna rules that apply to that place.
- (3) In this regulation, **significant fauna rules** means district rules about the protection of significant habitats for indigenous fauna (however described).

50 Outstanding natural features or landscapes

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to outstanding natural features or landscapes rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the outstanding natural features or landscapes rules that apply to that place.
- (3) In this regulation, **outstanding natural features or landscapes rules** means district rules about the protection of outstanding natural features or landscapes (however described).

51 Places adjoining coastal marine area

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to coastal protection rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the coastal protection rules that apply to that place.
- (3) In this regulation, **coastal protection rules** means district rules that regulate the carrying out of activities in places adjoining the coastal marine area for the purpose of protecting the coastal marine area.

52 Rivers and lakes

- (1) This regulation applies to a regulated activity if it is carried out over a river or lake (as referred to in regulation 8(2)).
- (2) This regulation is complied with if the regulated activity is carried out in accordance with any applicable regional rules about carrying out that activity over the river or lake.

Subpart 6—Earthworks

53 Earthworks associated with certain antennas

- (1) This regulation applies to a regulated activity if it—
 - (a) is a regulated activity under regulation 30, 32, or 34; and

- (b) includes earthworks (as referred to in regulation 5(1)(d)).
- (2) This regulation is complied with if—
 - (a) all special place earthworks are carried out in accordance with the district rules about earthworks that apply to earthworks carried out at that place; and
 - (b) each time rural earthworks are carried out in relation to the facility,—
 - (i) the volume of the earthworks is not more than 450 m³; and
 - (ii) the management plan requirements in subclause (3) are complied with.
- (3) The **management plan requirements** are that—
 - (a) before commencing the earthworks, the facility operator must prepare a management plan in accordance with subclauses (4) and (5); and
 - (b) the earthworks must be carried out in accordance with that management plan; and
 - (c) the facility operator must give a copy of the management plan to the local authority if requested by the local authority at any time before the expiry of 6 months from the completion of the earthworks.
- (4) An earthworks management plan must set out the following:
 - (a) where the earthworks will be carried out:
 - (b) the nature and scale of the earthworks:
 - (c) when the earthworks will be started and completed:
 - (d) the measures that will be taken to ensure that the earthworks do not, as far as practicable, cause or contribute to any of the following:
 - (i) sediment run-off from the site:
 - (ii) soil or debris from the works entering any water body or the coastal marine area:
 - (iii) instability or subsidence of a slope or another land surface:
 - (iv) erosion of the bed or bank of a water body or the coastal marine area:
 - (v) drainage problems, flooding, or the diversion of overland flow paths:
 - (vi) dust problems on adjoining land:
 - (e) the measures that will be taken to complete the earthworks in a way that will, as far as practicable,—
 - (i) restore the site to its previous condition; and
 - (ii) stabilise the site against subsequent erosion.
- (5) The management plan must be set out in a level of detail that is reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).

- (6) The measures referred to in subclause (4)(d) and (e) must be—
- (a) designed to minimise the effect on the environment of the earthworks; and
 - (b) reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).

- (7) In this regulation,—

rural earthworks means earthworks that—

- (a) are carried out in a rural zone and not in a road reserve; and
- (b) are not special place earthworks

special place earthworks means earthworks that are carried out at a place referred to in regulation 45(1), 46(1), 47(1), 48(1), 49(1), 50(1), or 51(1).

54 Earthworks: regional rules apply

- (1) This regulation applies to a regulated activity if it includes earthworks (as referred to in regulation 5(1)(d)).
- (2) This regulation is complied with if the earthworks are carried out in accordance with any applicable regional rules about earthworks.

Subpart 7—Radiofrequency fields

55 Radiofrequency fields

- (1) This regulation applies to an RFG facility.
- (2) This regulation is complied with if—
 - (a) the facility is installed and operated in accordance with NZS 2772.1; and
 - (b) before the facility becomes operational, the facility operator gives the local authority—
 - (i) written or electronic notice of the facility’s location; and
 - (ii) a pre-commencement report that complies with subclause (3); and
 - (c) either—
 - (i) the facility operator gives the local authority a post-commencement report that complies with subclause (4) within 3 months after the facility becomes operational; or
 - (ii) under subclause (5), the facility operator is not required to give a post-commencement report.
- (3) A pre-commencement report must—
 - (a) be prepared in accordance with AS/NZS 2772.2; and
 - (b) take into account exposures arising from other telecommunication facilities in the vicinity of the facility; and

- (c) predict whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772.1.
- (4) A post-commencement report must—
 - (a) be prepared in accordance with AS/NZS 2772.2; and
 - (b) provide evidence that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772.1.
- (5) The facility operator is not required to give a post-commencement report if the prediction referred to in subclause (3)(c) was that the radiofrequency field levels will not reach 25% of the maximum level authorised by NZS 2772.1 for exposure of the general public.
- (6) In this regulation,—

AS/NZS 2772.2 means AS/NZS 2772.2:2016 Radiofrequency fields – Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz

NZS 2772.1 means NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz.

Part 4 Miscellaneous

56 District and regional rules may be more stringent

For the purposes of sections 43B and 44A of the Act, the district and regional rules referred to in regulations 25 and 44 to 54 may be more stringent than the standards imposed by the rest of these regulations.

57 District rules about natural hazard areas disappplied

- (1) A territorial authority cannot make a natural hazard rule that applies to a regulated activity.
- (2) A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity.
- (3) In this regulation, **natural hazard rule** means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards.

58 Regulations revoked

The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (SR 2008/299) are revoked.

Schedule Transitional, savings, and related provisions

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Part 1 Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 and come into force on 1 January 2017. The regulations are made under the Resource Management Act 1991 (the **RMA**) and replace the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, which are revoked.

The regulations prescribe standards for installing and operating antennas, cabinets, small cell units, and telecommunication lines (**facilities**) in the circumstances set out in *regulations 19, 26, 28, 30, 32, 34, 36, 38, 39, 41, and 43* (the **regulated activities**).

Part 2 classifies regulated activities for the purposes of section 87A of the RMA (which sets out the classes of activities for which a resource consent is required and the scope of the consent authority's power to grant or refuse consent or to impose conditions). If a regulated activity is carried out in accordance with the standard, it will be a permitted activity and resource consent will not be required. If it is not carried out in accordance with the standard, the status of the activity will be determined under *regulations 12 to 18* and will depend on the status given to the activity by the relevant district plan. If the activity is classified as a controlled, restricted discretionary, discretionary, or non-complying activity, a resource consent will be required. For controlled and restricted discretionary activities, *regulations 14 and 15* limit the scope of the consent authority's power to grant or refuse consent or to impose conditions.

The standard for each regulated activity is that the specified regulations in *Part 3* must be complied with. Some of these regulations, such as those in *subpart 5 of Part 3*, require compliance with certain district and regional rules.

Even if a regulated activity is a permitted activity under these regulations, other provisions of the RMA, regulations under the RMA, and district and regional plans may also be applicable. For example,—

- section 17 of the RMA requires a person carrying on an activity to avoid, remedy, or mitigate any adverse effects of the activity, even if it is carried on in accordance with a national environmental standard; and
- section 43A(5) of the RMA allows a district plan to impose terms or conditions on an activity to deal with effects of the activity that are different from those dealt with in a national environmental standard.

These regulations do not apply to—

- activities that relate to facilities but that are not within the scope of installing and operating as defined in *regulation 5*; or
- the installation and operation of facilities in circumstances other than those that constitute regulated activities; or
- the installation and operation of other kinds of telecommunications equipment; or
- anything done in the coastal marine area or in, on, under, or over the bed of a river or lake, although they do apply to things done over rivers or lakes (such as on a bridge).

Those activities are governed by the RMA, other regulations under the RMA, district and regional plans, and other applicable laws.

Regulatory impact statement

The Ministry for the Environment and Ministry of Business, Innovation and Employment produced a regulatory impact statement on 20 August 2015 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mfe.govt.nz/ris/nestf-2016>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 November 2016.

These regulations are administered by the Ministry of Business, Innovation, and Employment.