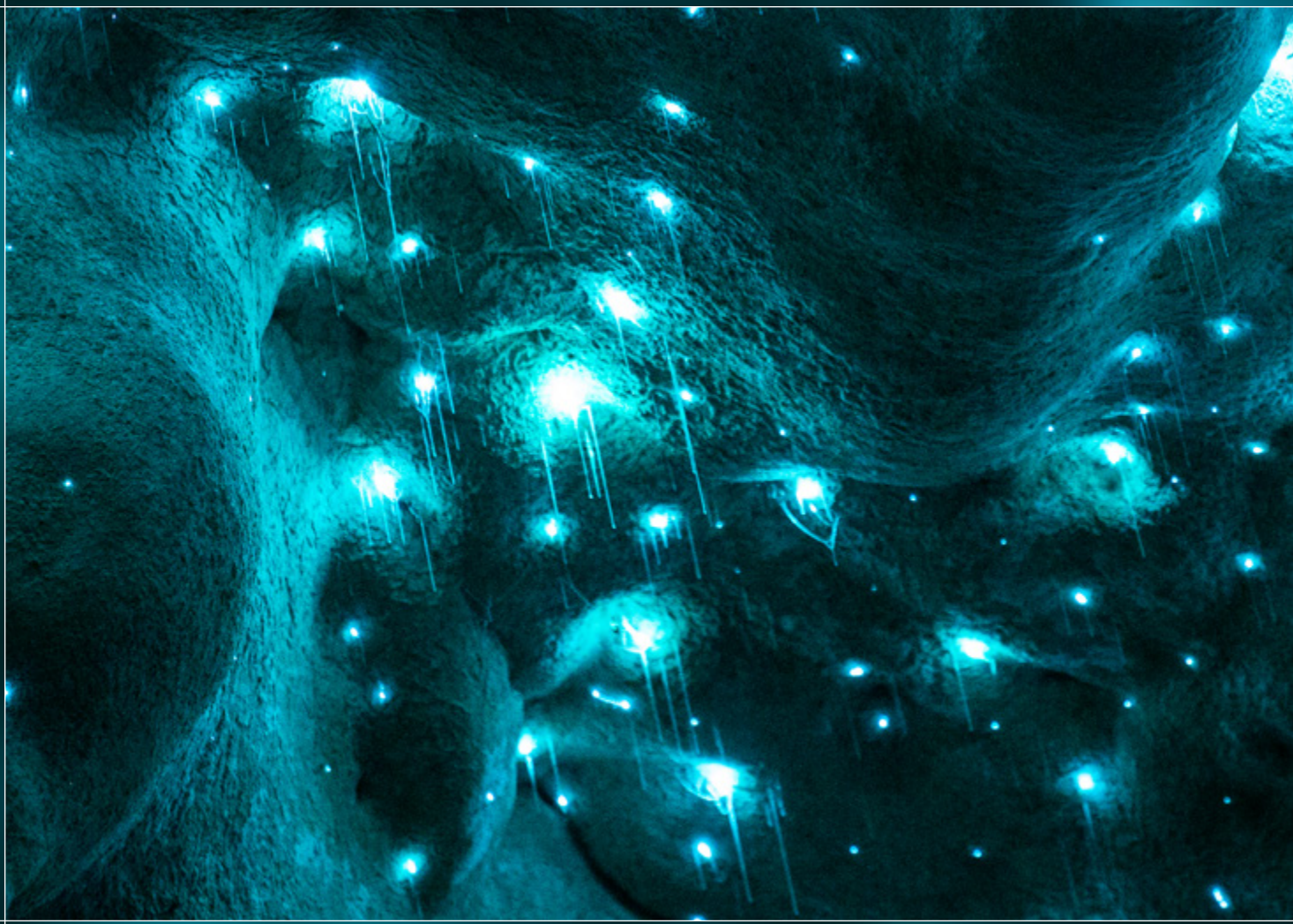
November 2026

Data Centres

APAC Regulatory Guide – **New Zealand**

Investment considerations



MALLESONS

Chapter 8

New Zealand

A year of... renewable energy advantages, stable regulation and increasing infrastructure constraints

Population	Data centres	Live capacity	Pipeline capacity
5.3 million ▲	66 YoY: 0 (0%) —	130 MW YoY: 0 MW (0%) —	316 MW+ YoY: 140 MW (79.3%) ▲

Data centre statistics provided by DC Byte (as at September 2026)

New Zealand is an emerging destination for data centre investment. With its proximity to Australia, reputation for ease of doing business and approximately 85% renewable energy generation, it offers a distinctive proposition for investors seeking sustainability credentials. It presents a compelling landscape for data centre investment, particularly due to its cool, temperate climate that enables improved PUE without specialised cooling infrastructure.

However, investors must navigate a maturing market. Key among the challenges are slow resource consent processes, constrained energy and transmission infrastructure and limited local delivery capacity.

While the promise of a lower-risk APAC entry point with strong sustainability credentials is attractive, understanding the evolving regulatory landscape and addressing infrastructure limitations are crucial for successful investment in New Zealand.

Opportunities

- Significant renewable energy generation
- Cool, temperate climate for greater power efficiency
- Stable political system and robust regulatory regimes

Challenges

- Securing resource consents
- Energy and transmission infrastructure constraints
- Limited investment incentives

Spotlight on key drivers

Renewable energy generation

With widespread renewable energy generation (around 85% of electricity) and ongoing significant investment in new wind, solar and geothermal projects, New Zealand's data centres can achieve environmental sustainability goals. The cool, temperate climate in New Zealand also enables less use of water for cooling than other jurisdictions.

Stable political system and robust regulatory regimes

New Zealand's stable political system and well-established regulatory regimes allow data centre developers to invest with confidence, with the country routinely ranking high on ease of doing business metrics. However, data centre electricity use has recently become a live political issue in New Zealand, as it has across the world.

The two major political parties (National and Labour) support requiring new data centres to bring some form of new generation online to offset their demand. Investors should monitor policy settings following the November 2026 General Election closely.

Infrastructure investment focus

New Zealand's Government has a strong focus on improving the country's infrastructure and encouraging inbound investment, including by streamlining the overseas investment consent process.

Together with broader efforts to enhance economic productivity and infrastructure delivery, these reforms are strengthening New Zealand's position as an attractive destination for long-term digital infrastructure investment.

> Digital infrastructure, including data centres, now underpins large parts of the New Zealand economy. It's a highly attractive asset class for investors, and we expect interest in this area to continue to surge.

Kelly McFadzien
Partner, Chapman Tripp



01 Power

Securing supply

New Zealand's electricity market is dominated by four large generators and retailers (termed '**gentailers**') with the rest of the market made up of smaller generators, independent retailers and gentailer-owned smaller retailers.

Transpower owns and operates the national high voltage transmission grid. Electricity distribution (the connection between transmission and customers) is provided by 29 local lines companies known as electricity distribution businesses (**EDBs**), which provide geographically distinct and regulated distribution services.

Direct connections

Data centres, as large energy users, will often connect directly to Transpower's grid rather than to EDBs. Historically, Transpower has not had a formal application process for industrial load connections. In May 2026, Transpower consulted on introducing a formal 'load and other' connection application process, modelled on its existing generation and storage process.

As proposed, applicants must demonstrate project readiness and pay an application fee for commercially driven projects. When it comes to project readiness, this may include:

- a completed concept assessment
- an exclusive option over the land
- a written consenting strategy, and
- a written stakeholder and iwi/hapū engagement plan.

Data centre projects with battery or generation components may join the load pipeline. Load projects are prioritised by strategic importance and urgency, and Transpower has indicated that a greenfield data centre connection may rank below industrial upgrades needed to keep existing sites viable.

Following consultation, Transpower intended to publish its decision on this process in October 2026. As at the time of publication, this has not been published.

The non-generation load grid connection process is broadly similar to the generation connection process, involving a concept assessment, formal application, and investigation and acceptance by both the customer and Transpower prior to specified design and connection commission to ensure compliance with the *Electricity Industry Participation Code 2010* (**Code**). All parties must also enter into a Default Transmission Agreement with Transpower, as set out in Part 12 of the Code.

Connecting via EDBs

If a data centre connects via a local EDB's network, instead of directly to Transpower's grid, additional distributor-specific requirements will apply. Where terms cannot be agreed, regulated terms under Part 12A of the Code apply.

Corporate PPAs

Data centre operators typically go to the electricity market with a request for proposals, inviting power generators to submit offers for both existing and in-development phase renewable energy projects. Operators partner with renewable energy generators by securing PPAs, which help underpin the generators' investment in new wind, solar and geothermal projects.

While the *Electricity Industry Act 2010* and the Code require all electricity generated in New Zealand to be sold to the clearing manager (**NZX**) for supply to the national grid operated by Transpower, this does not prevent the use of corporate PPAs.

Instead, corporate PPAs are typically structured as synthetic or virtual agreements, allowing parties to fix a long-term price for electricity at a particular grid exit point. Virtual PPAs are currently the most common form of corporate PPA in New Zealand.

Renewable energy requirements and incentives

There are currently no regulatory requirements or direct incentives for data centres to utilise renewable energy. This position is likely to change following the November 2026 General Election, with both major parties supporting requirements for new data centres to bring their own new generation.

The use and generation of renewable energy is already indirectly supported by various government policies. The government has committed to doubling renewable energy by 2050.

Through its Electrify NZ work program, the government is looking to support private investment in electricity generation and networks that will enable that goal to be achieved by issuing or amending a number of national directions under the *Resource Management Act 1991* (**RMA**), including directing decision-makers:

- to enable the efficient and timely delivery of infrastructure of national significance (other than electricity transmission or distribution networks) and encouraging infrastructure activities that are compatible with each other to be co-located (such as data centres and electricity networks), and
- that electricity network activities must be provided for, and renewable electricity generation assets and activities must be enabled, provided adverse effects on the environment are, where practicable, avoided, remedied or mitigated.

As discussed below, the RMA is in the process of being replaced by two pieces of successor legislation, the *Planning Act 2026* (**PA**) and the *Natural Environment Act 2026* (**NEA**), which will be supported by new national planning direction. It is anticipated that the new direction will create a similar (or more enabling) planning context for renewable generation and infrastructure.

> New Zealand also operates an Emissions Trading Scheme (**ETS**) under the *Climate Change Response Act 2002*. The ETS places a cost of carbon on the mining or importation of fossil fuels. The cost of carbon is then passed through to the users of fossil fuels including in electricity generation. Consequently, the ETS indirectly increases the relative costs of generating electricity from non-renewable sources.

Efficiency targets and sustainability certifications

There are no efficiency targets for data centres in New Zealand. However, industry reports from 2025 suggest that New Zealand data centres are among the most energy efficient globally, with an average PUE of 1.3, well below the 1.54 global average.

There is also no New Zealand-specific sustainability certification scheme exclusively for data centres. However, internationally recognised certifications are commonly utilised by site operators, such as:

- ISO 14001:2015 (Environmental Management Systems), or
- ISO 50001:2018 (Energy management).

02 Water

Water access

Data centres in New Zealand can access water either:

- through local municipal supplies, generally managed by territorial authorities (regional and district councils) or recently established water authorities, or
- direct abstraction from ground or surface water sources, subject to obtaining environmental approvals under the RMA and the incoming NEA (see 'Land' below for further details).

Early engagement with local authorities is essential to confirm water supply and secure any required planning consents.

New Zealand's temperate climate allows some data centres to use air-based cooling systems, resulting in less water usage for cooling than some overseas comparators.

Usage limits and constraints

Municipal water usage is managed via contractual arrangements and may be subject to water charges and supply constraints, such as in drought circumstances.

The RMA and its successor legislation, the NEA (see 'Land' below for further details), regulates direct water abstraction from natural water sources. Operators must obtain resource consent under the RMA, unless specifically authorised under a rule in a regional plan or national environmental standard. Resource consents commonly limit the rate and volume of water abstraction, and may include additional constraints or usage limits, such as in drought.

Discharging wastewater or stormwater may also require resource consents under the RMA (for discharge to land or water), or trade waste consents/agreements under council bylaws (for municipal systems). Discharge volume and contaminant content limits are commonly imposed under either type of approval.

Regulatory focus on water efficiency

Municipal water supply is regulated under the *Local Government Act 2002* (**LGA**) and the *Local Government (Water Services) Act 2025*. Councils must prepare:

- Long-Term and Annual Plans addressing water efficiency, demand management and infrastructure, and
- water services strategies for cost-effective, sustainable service delivery.

Resource consents for natural water abstraction under the RMA (and natural resource permits under the NEA) can only be issued for up to 35 years. When issuing or replacing resource consents, the decision maker must consider a range of applicable planning and policy documents. Currently this includes the National Policy Statement for Freshwater Management (**NPS-FM**), which governs how regional councils allocate water and requires efficient allocation and avoidance of over-allocation.

The NPS-FM is expected to be reviewed as part of the transition to the NEA, under which freshwater allocation will be addressed through new national policy direction and national standards.

The *Resource Management (Measurement and Reporting of Water Takes) Regulations 2010* also require consent holders exceeding 5 litres per second to measure, store data and report water user data both daily and annually. These regulations are currently expected to be carried over to the NEA regime as part of the transition away from the RMA.

03 Land

Where can developers build data centres?

District and regional plan rules determine whether a data centre can be built on a site. Land is zoned (for example, industrial, business, residential, rural) and the applicable rules depend on that zoning. Most district and regional plans do not specifically permit data centres, so an assessment of the relevant plans is required. Common consent triggers include:

- noise
- building height and bulk
- earthworks
- backup generator air discharges, and
- water takes/discharges.

Generally, data centres are more likely to be permitted in areas zoned for industrial or business-use, but even in those zones may still require resource consents depending on the relevant district and regional plan rules, and the design and operation of the data centre.

Resource consent approvals

Consents related to the development and operation of a data centre can currently be sought under the RMA, or the *Fast-track Approvals Act 2024* (**FTAA**).

RMA consenting

Under the RMA, an applicant must submit an application to the relevant local council (and, if relevant, the regional council) describing the proposed activity, its location, and including an assessment of environmental effects (**AEE**) and any necessary technical reports.

Depending on the scale and potential impacts, the application may be:

- publicly notified (allowing any person to lodge a submission)
- notified to limited persons (allowing affected parties to lodge a submission), or
- processed on a non-notified basis.

If consent is granted, the council will issue a resource consent subject to conditions that manage environmental effects. The process usually takes several months, but complex or notified applications can take around 12 to 18 months.

FTAA consenting

The process under the FTAA is similar to the RMA process, but is expedited.

Applications are made to the Minister for Infrastructure, outlining the project's details, potential benefits (including significant regional or national benefits) and anticipated environmental effects.

If the Minister approves the referral, a substantive application can be lodged with the Environmental Protection Authority, which is then reviewed by an expert decision-making panel for assessment and determination rather than the local council. Panel decisions are required to be made within 3 to 6 months of the Panel's appointment to consider the substantive application.

Changes to consenting under the PA and NEA

The RMA is being replaced by the PA and the NEA. The RMA continues to govern consenting during a transition period, which will end (nationally or region-by-region) on dates set via Ministerial processes, with a final backstop date for the transition being 30 September 2030.

The new regime is intended to streamline land use and environmental processes and to reduce costs and delays.

Once the new consenting provisions under the PA and NEA take effect, the regime is expected to:

- reduce the number of activities that need a planning consent, or natural resource permit
- reduce the number of applications that must be notified (and so may attract submissions, hearings and appeal rights), and
- set more certain statutory processing timeframes.

For data centre developers, this should mean greater certainty and fewer consenting requirements for projects on appropriately zoned land. The practical impact will depend on the content of the national standards, the new plans, and how the PA and NEA are applied in practice.

Rezoning land to enable development

Under the RMA (and the PA) any person can apply to the relevant local authority for a private plan change to rezone land to make it more (or less) enabling of development.

A plan change request must contain an evaluation assessment showing that the proposed change is the most appropriate way to achieve the RMA's purpose and includes:

- an assessment of the costs and benefits
- efficiency and effectiveness of the change, and
- the opportunities for economic growth and employment.

The process typically takes 12 to 24 months, although may be materially extended in the case of appeals to the Environment Court.

Private plan changes are also available under the PA, and any person can make a change request. It must be supported by an evaluation report and, in some circumstances, a justification report. However, during the current transition period between the RMA and the PA, rezoning via plan changes is limited. Until the PA applies in a region, a 'plan stop' applies and councils generally cannot notify new plan changes unless a Ministerial exemption applies.

Other key construction and environmental permits and approvals

Resource consents (such as for land use, earthworks, water abstraction/use, and air and water discharges) are the key environmental and planning approvals for a data centre.

Additional approvals may be required under other regulations and legislation including:

- operational permits under the *Health and Safety at Work (Hazardous Substances) Regulations 2017*
- building consent under the *Building Act 2004*
- approvals under the *Heritage New Zealand Pouhere Taonga Act 2014*, for impact on archaeological features
- wildlife permits related to the disturbance of protected species, under the *Wildlife Act 1953*, and
- if required, consent from the Overseas Investment Office under the *Overseas Investment Act 2005* (see 'Foreign Investment' below for further details).

04 Telecommunications

New Zealand does not have a carrier licensing regime, meaning that data centre developers and operators do not need to obtain a telecommunications licence.

However, if a data centre developer or operator requires 'network operator' powers under the *Telecommunications Act 2001* (**Telecommunications Act**) to enter land and to deploy its own network infrastructure (for example, in the road reserve), it will need to apply to be designated a network operator by the Minister for Media and Communications of New Zealand.

Other telecommunication obligations

Interception capability	The *Telecommunications (Interception Capability and Security) Act 2013* may require providers of telecommunication services and facilities, including data centre operators, to assist surveillance agencies with lawful interception. If directed by the relevant New Zealand Government Minister, providers must also provide full interception capability.
Telecommunications levies	Qualifying operators of public telecommunications network (**PTN**) components may owe regulatory and development levies. This may include data centre operators who provide connectivity or other data conveyance as value-add services via their own PTN component and receive at least NZ$10 million annual revenue from it.

05 Foreign investment restrictions

Any investment by an overseas person in 'sensitive land' or 'significant business assets' (over NZ$100 million) in New Zealand requires the consent of New Zealand's Overseas Investment Office (**OIO**) under the *Overseas Investment Act 2005* (**OIA**). This may include assets and land used to operate data centres.

An acquisition of property that results in an overseas person becoming a provider of telecommunications services or facilities, but does not otherwise require OIO consent, is subject to a call-in regime in the OIA. Data centre investments that do not otherwise meet the sensitive land or significant business assets thresholds will be subject to this regime.

The OIO may use this regime to call in an acquisition for review and may block the acquisition if it considers the transaction may give rise to significant national security or public order risks.



06 Tax incentives

There are no tax incentives, grants or similar that apply specifically to data centre operations in New Zealand.

However, operators have access to tax deductions or incentives applicable to taxpayers more generally such as:

Accelerated tax depreciation under the 'Investment Boost' rules	Under these rules, businesses can claim an immediate income tax deduction of 20% of the cost of new depreciable assets first available for use on or after 22 May 2025, with no limit to the value of new investments qualifying. Qualifying assets include new commercial and industrial buildings. Depreciation is then claimed on a reduced (80%) cost base in the usual manner and at the usual rate over time. For industrial and commercial buildings, that rate is 0% but the Investment Boost deduction remains available.
Research and development incentives and refunds	A research and development tax incentive and tax loss credits are available in certain circumstances. The tax incentive generally does not apply to infrastructure construction as it requires resolving scientific or technological uncertainty and creating new knowledge or improved processes. However, specific technologies utilised within data centres may qualify.

07 Data protection

The *Privacy Act 2020* (**Privacy Act**) is New Zealand's primary data protection law and governs how organisations and businesses may collect, store, use and share personal information.

To the extent a data centre operator stores personal information as an agent for a customer and does not use or disclose that customer information for its own purposes, the Privacy Act provides that the customer holds that information, not the data centre operator. That means that in most circumstances, a data centre operator will not owe obligations under the Privacy Act in respect of personal information stored by its customers in the data centre.

If a data centre is the holder of personal information that is subject to a privacy breach, the operator must notify the Privacy Commissioner if it is reasonable to believe that the breach has caused serious harm to an affected individual or is likely to do so.

Notifications must be made as soon as practicable upon becoming aware of a qualifying breach. Subject to some exceptions, organisations must also notify affected individuals upon becoming aware of a qualifying breach.

Data centre operators that have obtained 'network operator' status under the Telecommunications Act, or provide internet connectivity as a value-add service, may also be subject to the *Telecommunications Information Privacy Code 2020*, which governs subscriber, traffic and location information, and the contents of telecommunications.

08 Critical infrastructure and security

Providers of public telecommunications networks, which are responsible for providing infrastructure components that deliver essential services, are essential infrastructure providers under the new *Emergency Management Act 2026* (**EMA**).

Essential services are services necessary for public order, public safety, public health, national security or the functioning of the New Zealand economy or society.

Large-scale data centre operators that provide public connectivity or other data conveyance services as value-added offerings may qualify where those services are considered essential to New Zealand.

The EMA provides for the following duties for essential infrastructure providers:

- ensure the essential service delivered can function to the fullest possible extent during and after an emergency (and develop and maintain a plan for doing so)
- make available its emergency response plan to civil defence authorities
- contribute to developing sector response plans, if required, by civil defence authorities
- participate in emergency management strategy and planning
- provide technical advice to emergency management authorities, and
- limit use of information made available by emergency management authorities.

The Government Chief Digital Officer offers a voluntary Public Cloud Data Centre Certification (**PCDCC**) for data centre operators, which assesses public cloud data centres against the Government's Protective Security Requirements and the New Zealand Information Security Manual (**NZISM**). Certification is available to public cloud data centres located in New Zealand that offer ICT services to New Zealand government agencies.

09 Data localisation

Disclosure of personal information outside New Zealand is generally prohibited unless:

- authorised by the individual
- the recipient is subject to the Privacy Act, or
- otherwise required to protect the information in a way that provides comparable safeguards.

Codes of practice issued under the Privacy Act, including the *Telecommunications Information Privacy Code 2020* and the *Health Information Privacy Code 2020*, also provide for restrictions on disclosure of certain personal information outside New Zealand.

To the extent an overseas recipient of personal information holds that information for or on behalf of a New Zealand organisation and does not use or disclose that information for its own purpose, the personal information is treated under the Privacy Act as held by the New Zealand organisation, not the overseas recipient.

Government information requirements

In respect of information held by New Zealand government agencies:

- the Government's Cloud First policy requires government organisations to use cloud services in preference to traditional ICT systems, but only to store data classified as 'restricted' or below in public cloud services, and 'restricted' information should over time be hosted in a New Zealand data centre, where a suitable onshore service exists, and
- the NZISM, with which New Zealand government departments and agencies must comply, prohibits the use of public or offshore cloud services for information classified at 'confidential' level or above. Exceptions to NZISM requirements are possible if the requirement cannot be met.

Māori data sovereignty

Māori data sovereignty refers to the inherent rights and interests that Māori have in relation to the collection, ownership and application of Māori data. For Māori, data is a taonga (something treasured or valued) and where data is stored and processed, and how it is accessed and controlled, impacts on Māori data sovereignty.

Māori data sovereignty is a relevant consideration for an agency holding personal information, together with data localisation requirements under law.

10 Environmental, social and governance

International climate change commitments

New Zealand is a signatory to the United Nations Framework Convention on Climate Change (**UNFCCC**) and the Paris Agreement, under which it is required to submit a nationally determined contribution (**NDC**) outlining its commitments to reduce GHG emissions.

NDC UNDER THE PARIS AGREEMENT

Reduce emissions 51% to 55% below gross 2005 levels, by 2035



Domestic climate and emissions targets

These international commitments are reflected in domestic law and policy, including the *Climate Change Response Act 2002* (**CCRA**), discussed below.

Statutory and economy-wide domestic emissions reduction targets are set out in the CCRA. There are two statutory targets:

10% reduction by 2030 — BIOGENIC METHANE EMISSIONS

GLOBAL METHANE PLEDGE — Net zero by 2050

Reporting obligations

These targets do not directly impose design, operational, or reporting obligations on data centres. However, they influence government policy and regulatory decisions regarding energy use and infrastructure.

Mandatory disclosures

New Zealand has a mandatory climate-related disclosures regime which currently covers around 170 large financial institutions and listed entities.

Reporting entities are required to publish annual climate-related disclosures in accordance with the New Zealand Climate Standards on their governance, strategy, risk management and metrics and targets with respect to climate related risks and opportunities.

The CCRA also includes mandatory reporting obligations for lifeline utilities in response to requests from the Government or the Climate Change Commission covering the entity's climate adaptation and their governance, strategy, risk management and metrics and targets with respect to climate-related risks and opportunities. This reporting is intended to ensure critical infrastructure is resilient to climate change impacts.

In January 2026, legislation was proposed to require larger businesses (with annual revenue exceeding NZ$100 million) to publish modern slavery reports disclosing actual incidents and anticipated risks of modern slavery (including forced labour and worker exploitation) within their operations and supply chains, both in New Zealand and overseas. As proposed, the legislation would have required reporting entities to include a description of actions taken in response to risks identified, including due diligence and remediation processes.

The Bill did not pass before Parliament's final sitting ahead of the General Election in November. Any decisions to progress the reform will be a matter for the next Government.

Voluntary guidelines

In addition to mandatory reporting obligations, New Zealand also has Guidance for Voluntary Climate Change Mitigation which relates to emissions offsetting and environmental claims. These guidelines provide best practice recommendations for businesses and organisations wishing to make credible voluntary emissions reductions, offsetting or other environmental claims.

Green star certification

Operators of data centres in New Zealand can seek certification under the New Zealand Green Building Council's Green Star scheme, which assesses the sustainability of new and existing buildings, including energy efficiency, water usage, and environmental impact.

Achieving Green Star certification demonstrates a commitment to sustainable building practices and can be used as a benchmark for environmental performance.

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