



TCF submission on matters to include in the second resource management amendment Bill

5 April 2024

Introduction

1. Thank you for the opportunity to offer views on what should be included in a second resource management reform Bill.
2. The following comments are provided on behalf of the New Zealand Telecommunications Forum (TCF). The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent 95 percent of New Zealand telecommunications customers. Our members include network operators, retail service providers and the tower companies that own and operate cell towers.
3. The telecommunications sector provides critical infrastructure and services (such as internet access, messaging and voice calling) that New Zealanders, businesses and government rely on to be able to communicate, access essential services and do business. Telecommunications is also an enabler for other areas of critical infrastructure, such as electricity, fuel, banking and housing. Our infrastructure is essential for economic growth and wellbeing.
4. With the short timeframe provided for responses, our comments are necessarily high level.

The focus of this submission

5. In this submission we:
 - a. Request that the National Environmental Standards for Telecommunications Facilities (NESTF) be updated. NESTF 2016 is well overdue for review as required under the Resource Management Act (RMA).
 - b. Propose matters for inclusion in the second resource management reform Bill that will make it easier to build the critical infrastructure that New Zealand needs to get our country moving.

Updating the NESTF will have real impact in the short term

6. The Minister's letter of 28 March notes that the Government wants to make it easier to build houses and grow businesses, and deliver high quality infrastructure. The Minister wants to make it easier and faster to build the infrastructure and deliver the major projects that New Zealand needs to get the country moving. Telecommunications is critical infrastructure, and provides services that are just as essential as other utilities. Telecommunications infrastructure is also a critical component for major projects including housing.
7. While the fast track consenting regime¹ could in limited cases make it easier to build telecommunications infrastructure, what we really need is for the NESTF to be updated. These regulations under the RMA are what telecommunications network operators depend on to be able to build telecommunications infrastructure and provide connectivity for New Zealanders. The NESTF has proved to be an efficient regulatory framework for building and upgrading networks. However, because it hasn't been updated, district plan rules still significantly impact our ability to rollout and upgrade networks efficiently. This is, for example, an issue with the rollout of the 5G network.
8. The NESTF was last updated in 2016 and has not kept pace with changes in technology and housing intensification. It should have been reviewed and updated in 2021 as required under the RMA. The good news is that update work (review and proposed amendments) is well advanced so could easily be included as part of phase two of the Government's RMA reform programme, providing an easy and quick win for everyone that also supports housing and development initiatives. The TCF has been engaging with MBIE, Te Waihanga and MfE about NESTF for some time now and the work on the required amendments is largely done. This could be used by the Parliamentary Counsel office as it starts drafting.
9. Updating the NESTF is a quick win that supports the necessary infrastructure to be in place to help the Government meet its goals for resource management reform and housing supply. It is also an opportunity for the Government to support the telecommunications industry with a national comprehensive regulatory framework to deliver much needed network improvements to New Zealanders.
10. Minister Bishop's letter of 28 March, inviting submissions, says his focus is on changes that will have real impact in the short term. Updating NESTF meets this criteria, as well as supporting the Government's stated policy priorities in areas such as housing supply. Connectivity is also needed to support government goals for economic and regional development, growing the tech sector, digitising government and addressing the cost of living crisis.
11. We have been asked to provide a more detailed briefing on NESTF issues for officials new to the issues, and this will be provided shortly. In the meantime please refer to our [briefing to incoming ministers on resource management issues](#). Our follow up letter to Minister Bishop, about NESTF and resource management reform, is also attached.

¹ The fast track process for major projects will not apply to most of our infrastructure which is generally speaking smaller in scale. For example, cellular network infrastructure consists of thousands of separate base station facilities (cells) that make up the network.

Matters for the second resource management reform Bill

12. We recommend that the following matters be considered and addressed in the second Bill due to be introduced in late 2024, but recognise that some of these changes may fit into phase three of the reforms:

- a. Reforms to create a planning system that is more enabling of infrastructure and establishes a fit-for-purpose infrastructure consenting process beyond fast-track consenting processes. While the fast-track regime will help with large scale projects, telecommunications infrastructure is generally smaller in scale but can still face delays under the current consenting process.
- b. The introduction of a National Spatial Plan supported by regional spatial plans. This will help provide national consistency.
- c. The creation of unitary plans for each region, to provide greater consistency across a region.
- d. The introduction of national directions including national infrastructure policy, rules and standards within two years of the legislation being enacted. Five yearly reviews of national direction are useful. However, funding needs to be provided to enable officials to meet these review requirements. For example the NESTF 2016 was due for review in 2021, but departmental resourcing has been a problem which has led to these regulations still not being updated.
- e. Review of contaminated land provisions.
- f. Retaining certificates of compliance including the five year period.
- g. A requirement for infrastructure network operators to be consulted by MfE and regional and local government when developing national direction, unitary plans and other plans at the district and regional levels. This will help ensure that connectivity needs are being considered as part of the planning process. It will also help achieve greater national consistency.
- h. Requiring a co-ordinated approach to infrastructure funding and investment to ensure that developers provide for and fund all essential infrastructure at the time of subdivision and development. This will ensure businesses and homeowners have access to and a choice of critical infrastructure services e.g. internet access and phone calling through fibre and wireless/mobile networks. It is cheaper and least disruptive to install telecommunications infrastructure (such as fibre-optic cables and cell towers) at the development stage. It is most disruptive to retrofit networks into areas that have already been developed.
- i. Changes to designation provisions:

- i. Simplify the current approach which largely requires a notice of requirement to provide the same level of detail as would be required for a resource consent application.
 - ii. The Bill needs provisions to expressly differentiate between design and build and route protection designations, providing for a route protection process, a design and build process and a combined process.
 - iii. Require “requiring authorities” to recognise and provide for other networks that should and could be included in the designation.
- j. Retention and improvement of the emergency works provisions, including for those under the Civil Defence Emergency Management Act 2002 or any replacement. These provisions are both practical and essential when it comes to repairing and restoring telecommunications networks due to natural hazard events. It would be useful to not have to seek retrospective consents if required.

For further information please contact kim.connolly-stone@tcf.org.nz in the first instance.

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