



7 December 2023

Hon Chris Bishop
Minister Responsible for RMA Reform
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Hon Penny Simmonds
Minister for the Environment
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Copy to:
Minister for Media and Communications
Parliamentary Under-Secretary to the Minister for Infrastructure and the Minister Responsible for RMA Reform

Dear Ministers

Briefing to incoming ministers: resource management and telecommunications - urgent updates required

Introduction

1. Congratulations on your recent election and ministerial appointments. You will no doubt be considering priorities for your portfolios, and the approach to be taken on resource management reform. As you do we ask that you consider updating the National Environmental Standards for Telecommunication Facilities (2016) (**NESTF**). We think this work is far enough advanced that it could be fast tracked and would be a quick win for the Government, would help ensure New Zealanders can access the connectivity they rely on, and enable the industry to make vital network improvements.
2. More broadly, we also have suggestions for promoting infrastructure deployment, using the framework in the Resource Management Act (RMA). These include a national infrastructure direction to promote consistency and reduce deployment costs, and simplifying the classes of activity under the RMA.
3. We would very much appreciate the opportunity to meet and discuss these opportunities.

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Introducing the TCF

4. The New Zealand Telecommunications Forum (TCF) is the industry body representing over 95 percent of the telecommunications sector. Our members include the operators of fixed line (fibre and copper) and mobile networks, retail service providers and tower companies. Telecommunications infrastructure is critical to ensuring New Zealanders can communicate, access services and run their businesses. It becomes even more critical during emergencies and natural disasters.
5. Further information about the TCF and the telecommunications sector can be found in our Briefing to Incoming Ministers (attached) and our recent [Industry Report](#).

Amending the NESTF

6. NESTF is a regulation under the RMA. Its purpose is to provide national direction that avoids unnecessary regional variation and time-consuming and costly resource management processes. The telecommunications industry depends on NESTF to build, maintain and upgrade network infrastructure (such as fibre optic cables, cell towers, cabinets, poles and antennas). It can take over three months to obtain resource management approvals to deploy telecommunications infrastructure that falls outside the NESTF envelope.
7. The problem is that NESTF standards have not kept pace with changes in technology and the built environment and are in urgent need of updating. For example, one of the major problems concerns the unintended consequences of changes to national and local planning rules that encourage greater housing density and taller buildings (mainly triggered by the National Policy Statement on Urban Development).
8. Buildings are becoming taller than the permitted height for the poles and antennas under the NESTF. This means that buildings will block wireless signals, and coverage black spots will start to appear which will impact the quality of connectivity in urban areas. The consequence is that some people will not be able to make phone calls, calls may drop out, and wireless internet access will be patchy. The first picture overleaf shows the status quo. The second picture shows where we need to get to in terms of pole versus building height.

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Wireless signals do not travel easily through obstructions, and this can result in blackspots within the wider network coverage areas (where customers are in the shadow of a building) and can lead to radio emission safety concerns. Tight equipment envelopes limit our ability to deploy new antenna for new growth or sharing.



The ideal height for mobile antennas is 5m taller than surrounding buildings and obstructions, with space for additional antennas used for sharing the mast and growth.



9. For example, as illustrated in the below photo of Auckland development, while developers are increasing the height of the surrounding buildings, it is difficult to reconfigure the network to continue to provide coverage as any new tower will fall outside NESTF rules and require the full consenting process.



10. Other problems with NESTF include:

- a. The NESTF has failed to keep pace with changes in technology that improve resilience. Increases in battery sizes that enable longer periods of backup power will require bigger cabinets, but the NESTF doesn't allow for this kind of upgrade.
- b. The NESTF rules were not designed to accommodate the co-location of telecommunications facilities on the roadside. The existing permitted build dimensions are often exceeded. This results in the need to obtain a resource consent and limits the ability to provide appropriate mobile coverage to an ever-changing urban environment.
- c. The NESTF does not cover all build scenarios for the delivery of a resilient and comprehensive telecommunications network in 2023. The lack of a nationally consistent comprehensive rule hierarchy often causes confusion for local government. In particular, this impacts the drafting of telecommunication policy and rules, resulting in incomplete and restrictive District Plan infrastructure chapters. For example, different councils will have different rules on how telecommunications can be deployed over lakes and rivers, and for consenting in emergency situations.

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11. We are seeking urgent amendments to the NESTF as part of some RMA reform quick wins. Without these, our members will need to continue with time consuming and costly engagements with individual councils to seek resource consents, make submissions on local plans and seek plan changes. This either slows down infrastructure build or stops it in its tracks. It can also lead to differing resilience outcomes across regions.
12. Considerable work has already been done by the industry and Te Waihanga to identify and mark up the necessary changes to the NESTF. Officials from the Ministry for the Environment and Ministry of Business Innovation and Employment are well briefed, and we have briefed the Minister of Media and Communications. The work is so far progressed that we think the updates could be fast tracked under the existing RMA, as part of a package of quick RMA wins by the new Government. We can provide your office with a copy of the proposed amendments.

Other opportunities as you consider your approach to RMA reform

13. More broadly, there are opportunities to promote infrastructure deployment within the existing RMA framework that we suggest you consider as you think about what approach to take with resource management reform. For example:
 - a. Bringing existing national RMA infrastructure directions together in one place to ensure national consistency, resolve existing conflicts between different areas of national direction, and promote a more efficient planning process.
 - b. Setting national planning standards for telecommunications (and other) infrastructure under the RMA that mandate the consistent application of standards across regional and district plans, policies and rules. We face a regional patchwork of different rules that make national infrastructure deployment more difficult than it needs to be. Officials and infrastructure sectors have already put significant thought into these rules.
 - c. Rolling out the successful Auckland unitary plan model more widely (the Auckland model is a one stop shop all contained infrastructure chapter).
 - d. Making better use of roads as shared infrastructure corridors (through designation powers).
 - e. Simplifying the classes of activities in the RMA.
 - f. Ensuring there is national direction to support councils to apply consistent risk standards for natural hazards, and standardised rules for adaptation planning. We recently submitted on the proposed National Policy Statement for Natural Hazard decision making. We do not think the proposed statement will provide the necessary regulatory certainty. If you decide to continue with the policy statement, in place of or as a stepping stone to national direction, we recommend changes to ensure that telecommunications services are not disrupted.

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A meeting to discuss

14. We would very much appreciate a meeting to introduce ourselves and discuss the issues in this letter.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Paul Brislen', with a horizontal line extending to the right.

Paul Brislen
Chief Executive