



TCF submission to the Transport and Infrastructure Committee on the Public Works Amendment Bill

27 January 2026

Introduction

1. Thank you for the opportunity to make a submission on the [Public Works Amendment Bill](#) (the Bill). This submission is made on behalf of the New Zealand Telecommunications Forum (TCF).
2. The TCF is the telecommunications industry body which brings together the industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent over 90 percent of New Zealand telecommunications customers. Our members include network operators, retail service providers and tower companies.
3. The telecommunications sector provides critical infrastructure and services (such as internet access, messaging and voice calling) that communities, businesses and government rely on to be able to communicate, access essential services and do business.
4. As network utility operators, telcos can use section 186 of the Resource Management Act (RMA) to make an application to the Minister for Land Information to initiate compulsory acquisition of land under the Public Works Act (the Act), if they are a requiring authority under the RMA. This process enables land to be acquired under Part 2 of the Act as if it was a government work.

Summary of submission points

5. The TCF:

- a. Supports the proposed changes that will make it easier to deliver critical infrastructure projects, including the streamlined objections process, new approach for combined projects, emergency recovery land acquisition regime, modernised notification and compensation process, and the clarified process for relocating infrastructure affected by public works.
- b. Recommends the following amendments:
 - i. The Bill should provide for network utility operators to be compensated when they are required to relocate infrastructure affected by a public work.
 - ii. The definition of responsible network utility operator be amended so that all network utility operators (not just those with requiring authority status) can be included in the streamlined relocation process.
 - iii. Telecommunications (and other network utility operators) should have the same land acquisition powers as have been proposed for Transpower in new Part 2B.
- c. Suggests that the Committee's report back recommends that policy work is needed to review the section 40 offer back process, to improve certainty and efficiency.

We support the changes intended to make it easier to build critical infrastructure

- 6. The TCF supports the Bill and the proposed changes intended to make it easier to deliver critical infrastructure projects for public benefit. This includes the network infrastructure needed to provide essential services, such as telecommunications.
- 7. The streamlined objections process, new approach for combined projects, emergency recovery land acquisition regime, clarified process for relocating infrastructure, and modernised notification and compensation processes are welcome.

Relocating infrastructure affected by public works

- 8. While the policy intent is to make it easier to build new infrastructure and deliver new infrastructure projects, protecting existing critical infrastructure is also important. The Bill helps to do this through the clarified process (in clause 15 new sections 27E to 27H) for relocating infrastructure affected by central and local government public works. We support the new process, with two amendments:
 - a. The inclusion of compensation for network utility operators to cover the cost of relocating infrastructure because of a public work
 - b. Enabling all network utility operators to be part of the new process, not just those who are requiring authorities.

Compensation for relocating infrastructure

9. New section 27G - compensation and costs relating to infrastructure relocation - addresses compensation for affected land owners when land is acquired because infrastructure needs to be moved because of a public work. It does not make provision for infrastructure owners to be compensated for the costs of relocating their infrastructure. The focus is on the land, not the infrastructure.
10. Telecommunications network operators typically do not own the land on which their infrastructure is located, but face considerable costs needing to move or install new poles, towers, cabinets and underground cables.
11. Relocating telecommunications infrastructure is not a simple lift and shift exercise. New assets are likely to be required for the new location. There are complex processes to identify suitable alternative sites, network design and modelling requirements, regulatory requirements (including separation distances from other networks), earthworks costs, consenting processes, and minimum modern standards for infrastructure replacement. When several network utilities are required to move, there can be limited space for everyone to relocate in a roading corridor.
12. Costs of relocating infrastructure can be higher than for new developments. For example, where infrastructure is located along roads there will be traffic management costs, and when roads need to be closed the work can usually only be done after hours, which is more expensive. There can be costs to remove old infrastructure (e.g. pulling up old underground cables) as well as paying for and installing new assets.
13. We submit that a new provision be added to clause 15 of the Bill, enabling any network utility operator to make a claim for compensation when they are required to relocate infrastructure affected by a public work. It should be made explicit that where infrastructure is required to be relocated due to another party's project, the full cost of relocation should be borne by the party requiring the relocation. This should, at a minimum, include new assets and ensure replication of existing coverage and capacity of the network.
14. Including this amendment would provide much needed certainty about cost recovery. The current situation is complex with different requirements in designations and legislation.

Not all network utility operators are requiring authorities

15. The second issue concerns the definition of "responsible network utility operator" in new 27E, which is limited to network utility operators that are requiring authorities. The problem is that not all network utility operators are requiring authorities. Network utility operators that are not requiring authorities can still be impacted by a public works acquisition, and should be included in the more efficient relocation process. They should also be able to claim compensation, if the Bill is amended as suggested above.
16. Addressing this issue is also necessary in cases where telecommunications infrastructure is co-located or interdependent. For example, where a fibre network provides backhaul to a cell tower, or where multiple network operators co-locate on one tower owned by a tower

company. Having one relocation process for some and another process for others will slow down the project and inhibit the critical functioning of telecommunications networks.

17. We submit that the definition of responsible network utility operator be amended to remove the requiring authority requirement.

Statutory powers equivalent to Transpower

18. We note the Bill grants Transpower powers to initiate and undertake land acquisition for its projects (new Part 2B, sections 39A–39J). We propose that telecommunications (and other network utility operators - as defined in section 166(1) of the Resource Management Act 1991) be granted equivalent statutory powers for the purposes of delivering critical infrastructure, including:

- a. the ability to initiate land acquisition processes directly
- b. the ability to have land vested in our name for infrastructure purposes
- c. clear cost recovery and compensation mechanisms.

19. Affording these powers to telecommunications and other network utilities would help to ensure that all critical infrastructure providers can deliver projects efficiently and equitably, without unnecessary delays or administrative barriers. Just as Transpower is responsible for the national grid, telecommunications network operators provide essential communication services that all New Zealanders rely on.

The section 40 offer back process

20. We understand that the section 40 offer back provisions were not in scope for the targeted review of the Act, due to time constraints.
21. Section 40 processes can be uncertain, administratively burdensome, and costly. They can result in significant inefficiencies when disposing of land that is no longer needed for public works. It is important to provide protections for former owners, and to ensure offer back processes operate efficiently. There is also a need for clearer thresholds, more workable limits, along with additional flexibility such as expressly allowing sites acquired by network utility operators under the Act to be transferred to other network utility operators. This would be similar to councils who can transfer acquired sites to Council Controlled Organisations.
22. We recommend that policy work be undertaken to consider potential refinements to section 40 to improve certainty and efficiency. While this work is probably not in scope for the Bill, we suggest the Committee recommend this review work as part of your report back.
23. If there are any questions about this submission, please contact Kim Connolly-Stone (kim.connolly-stone@tcf.org.nz) in the first instance.