



TCF submission to the Environment Committee on the Planning Bill and the Natural Environment Bill

12 February 2026

Introduction

1. Thank you for the opportunity to make a submission on the [Planning Bill](#) and the [Natural Environment Bill](#) (“the Bills”). 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. Our members need to engage with the resource management system to be able to install, maintain and upgrade network infrastructure such as fibre optic cables, cell towers, cabinets, poles and antennas.
4. Our detailed comments on the Bills are set out in the attached table, with key issues identified in the submission overview.

Submission overview

5. While the TCF broadly supports the Bills, and the objective to enable the delivery of infrastructure for the future, the resource management system must also protect existing infrastructure, to ensure New Zealanders maintain access to essential services, such as

telecommunications. We make recommendations designed to achieve this balance, and suggest some amendments designed to improve the delivery of infrastructure, in line with the Government's policy intent.

We support the more streamlined system

6. The TCF is generally supportive of the more streamlined system the Bills would facilitate, including:
 - a. The proposed changes designed to bring greater standardisation in land use planning across the country (standardised rules and zones and fewer plans). This is especially important for operators of national networks.
 - b. The narrowing of the effects that can be regulated (in areas such as visual amenity and landscape effects).
 - c. The inclusion of procedural principles.
 - d. Involving the public at the plan making and national instrument stages, rather than leaving participation until the consenting stage.
 - e. Improving compliance and enforcement tools.
 - f. The creation of the Planning Tribunal.
7. These changes will benefit communities, by making it easier and faster for telcos to build, maintain and upgrade the infrastructure needed to provide essential telecommunications services. Making the system more streamlined means that resources that would otherwise have been put into consents, plan processes or complex hearings can go into building and improving networks.
8. The more streamlined and enabling approach will help network providers maintain services as housing intensifies. For example, denser communities and more multi story dwellings require new or modified infrastructure to ensure everyone is connected.

The two Bill approach, separating land use planning and environmental management

9. We do not have confidence that the separate national policy direction under each Bill will be sufficient to resolve conflicts. Failure to resolve conflicts between the national level instruments will risk litigation later in the process, especially during the development of the combined regional plans.
10. We propose that:
 - a. The retention of a national policy statement for infrastructure (or similar), which would apply across the system (and the two Bills) and provide certainty for infrastructure.
 - b. Section 57 of the Planning Bill (re the creation of national policy direction to resolve conflicts between goals in the two Acts) is amended to require the Minister to

consider the extent of public benefits from an infrastructure proposal and constraints on location and scale as a result of operational need and functional need.

Getting the first national instruments right

11. The new system architecture will leave much of the detail that matters for infrastructure to the national policy directions and national standards. These instruments will direct land use and natural environment plans for the first 10 years. The whole system will be at risk if insufficient time is given to get the direction right, get input from infrastructure providers and other stakeholders, and ensure that local government has the benefit of infrastructure related national direction to inform its plan making. This is necessary for an enduring and stable planning system.
12. Because of the planned speed of the transition period it is particularly important that national instruments are high quality from the start. As currently drafted there are no pre-notification consultation requirements for the creation of national instruments (except for iwi) and the submission period following public notification may be as short as 20 working days. This is not long enough to consider and meaningfully submit on complex and technical documents.
13. We propose that:
 - a. Infrastructure providers are included in the list of parties who are pre notified, in clause 70(1) of the Natural Environment Bill and clause 46(1) of the Planning Bill. The sharing of draft national instruments, pre notification, would enable technical feedback to be fed in earlier in the process.
 - b. That the public notification period be at least 40 working days.
 - c. That the overall timeframe for creating the first national instruments is extended slightly.

Updating national direction

14. Just as important as getting the first national instruments right, is having an efficient process to update national direction when technical standards get out of date. It is essential that infrastructure providers are involved in this process.
15. We propose another reason be added to clause 62(1) of the Planning Bill, which enables amendments to national standards without the full process in section 70. This would be to make changes to align with infrastructure technology changes.

Infrastructure related definitions

16. The range of infrastructure definitions used in the Bills is confusing and unworkable. The Planning Bill has several references to infrastructure (e.g. “key infrastructure” and “infrastructure related activities” must be included in regional spatial plans) but does not contain a definition of infrastructure, except in relation to designations in clause 1 of

schedule 5. Schedule 5 has definitions of infrastructure, core infrastructure operation and core infrastructure operator.

17. We propose the following changes to the infrastructure related definitions:

- a. Having a definition of infrastructure in clause 3 of both Bills, and making that the same definition. Most people look to the interpretation section for definitions, not a schedule. This will help to ensure that territorial authorities have the same interpretation.
- b. Amending the definition of infrastructure in clause 1 of schedule 5 so that it also refers to “any part of” a network. The rationale is explained in paragraph 18 below.
- c. Amending the definition of core infrastructure operator in clause 9 of schedule 5 so that para (b)(i) says “operates or proposes to operate *any part of* a network...”. The rationale is explained in paragraph 18 below.

18. The Natural Environment definition of “long lived infrastructure” includes “a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001”. We propose this be amended to “*any part of* a network” to address the fact that the telecommunications industry has become more distributed since the definition in the Telecommunications Act was written. For example with mobile operators owning some infrastructure and tower companies owning other infrastructure in a telecommunications network.

The goals

19. We welcome the inclusion of an infrastructure focused goal in clause 11(e) of the Planning Bill.

20. While the intent is that there is no hierarchy between the goals (within each Bill and between the Bills) there is a risk that a hierarchy will be read into the goals based on the strength of the language used. For example, goal (a) in clause 11 of the Planning Bill is the only goal with directive language. This means there is a risk that the infrastructure goal in paragraph (e) could be interpreted as being less important, when that is not the policy intent.

21. We note the intention is for national policy direction to resolve conflicts between the goals in both Acts. And that clause 12(3)(c) says that generally a person exercising a function, duty or power under the legislation must not consider a goal directly. But they can do so if the subject matter of the goal is not addressed or particularised in a higher order instrument, if there is uncertainty in the higher order instrument, or if there is a conflict between higher order instruments in relation to the goal. Given the short period of time to prepare the national policy direction and other higher order instruments we think there are going to be interpretation issues with the goals.

22. To remove the hierarchy risks we propose:

- a. Amending clause 11(e) of the Planning Bill so it also considers the protection of existing infrastructure:

(e) to plan, ~~provide for~~, enable and protect infrastructure in all areas to meet current and expected demand.

- b. Amending the goal in 11(g) of the Planning Bill so it recognises that critical infrastructure may need to locate on and around the areas in (g) including outstanding natural features and landscapes.

- c. Clarifying that environmental limits may need to be breached by infrastructure and that this is in line with the goals of the Natural Environment Bill. To achieve this we suggest the following amendment to clause 11 of the Bill:

(a) To enable the use and development of natural resources, within environmental limits where required.

Permitted activities

23. The TCF supports the enabling of more activities without the need for a consent or permit. However, allowing councils to require the registration of potentially all permitted activities would defeat the policy intent by establishing a quasi-consenting process.
24. We understand the Government's intention is that registrations should only be required on an exceptions basis, not as a general requirement. But the drafting of clause 38 has inadvertently given local authorities full discretion to determine when permitted activities must be registered.
25. Large infrastructure companies already undertake a number of permitted activities for routine work on a regular basis. For telecommunications, these permitted activities are set out in the National Environmental Standards for Telecommunications (NESTF). Examples include the thousands of customer connections and upgrades to antennas or radio units on existing mobile sites, as well as hundreds of new sites annually. If registration was required for these activities the regime would be less permissive than what we have currently. The registration and monitoring process would not add value, and the cost and time required would have a significant impact by shifting the focus from the day to day activities associated with operating, upgrading and expanding networks.
26. If some discretion is left with councils to determine when permitted activities must be registered, it is critical there are checks and balances. We propose that clause 38 of the Planning Bill be amended so that permitted activity rules are only allowed when required or not precluded by a national rule. This will help to preserve the policy intent to be more enabling and provide greater national consistency than if discretion sits at the local level.
27. We also propose that clause 38 specifies that permitted activity rules cannot require registration of permitted activities related to the provision of infrastructure. If this proposal is not adopted then our amended proposal is that permitted activity rules may only require registration if it is required by a national rule.

The spatial plan process

28. We understand that all local authorities will start the spatial planning process within nine months of enactment. This is likely to require national infrastructure providers to engage in the spatial planning process in all regions at the same time, which will be very resource intensive.
29. As drafted, the Planning Bill does not require local authorities to consult with infrastructure providers while developing a plan. Clause 69(1) merely requires them to agree a process for how they will work with infrastructure providers, development and sector groups, communities and others. This is not directive enough and should be amended to require consultation with infrastructure providers when developing regional spatial plans.
30. We are also concerned that, as part of the transition, environmental limits will not have to be set until after the first spatial plans are made. This would defeat the purpose of having standardised environmental limits as councils may fill the gap with their own determinations.

Designations

31. The Planning Bill introduces an alternative process for designations, enabling designating authorities to have indicative locations for future designations identified in a draft regional plan or to notify a designation through the spatial planning process. Applications must include an assessment of the strategic need for the future designation in the location. We are concerned that the strategic need test would open up a contest as to strategic need, which conflicts with the exclusion of project demand in clause 14(d).
32. We also submit that clause 42 of the Planning Bill needs to be amended to increase certainty about the relationship between designations and national rules. As drafted, this clause creates ambiguity as to the status of designations once new national rules are introduced that address activities authorised by that designation.

Consenting timeframes

33. The TCF supports the inclusion of maximum processing timeframes for consents and permits (see clause 117 of the Planning Bill) but is concerned that the maximum 45 days for non-notified consents could become the target. We propose that national instruments be able to set shorter maximum processing timeframes for certain non-notified consents.

Transitional matters

34. Clause 52 of the Planning bill provides that national instruments may provide for transitional matters. We are seeking clarity that the National Environmental Standards for Telecommunications Facilities 2026 (NESTF) will be carried across during the transition, until the new national standards are developed. Some adjustments would be needed to take account of the more enabling aspects of the primary legislation.
35. Please see the attached table for our detailed submission points.

36. If there are any questions about this submission, please contact Kim Connolly-Stone (kim.connolly-stone@tcf.org.nz) in the first instance.