



**TCF Submission on the Proposed National Policy Statement for Natural Hazard
Decision-making
20 November 2023**

Introduction

1. Thank you for the opportunity to make a submission on the [Proposed National Policy Statement for Natural Hazard Decision-making](#) (the Statement). This submission is provided by 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.

Telecommunications and natural hazards

2. The telecommunications sector is a provider of critical infrastructure. Our infrastructure includes physical assets (such as fibre optic cables, cell towers and cabinets containing backup power supply and other equipment) needed to run telecommunications networks that New Zealanders rely on for internet access, and to communicate via voice calls and text messages.
3. Our networks often need to traverse and locate in areas subject to natural hazards, as part of our national networks and because the people who live in these places depend on access to the services we provide.
4. The resilience of telecommunications and other critical infrastructure (such as roading and electricity) to natural hazards has become an issue of increased focus following recent severe weather events. We expect more of these severe weather events to come our way. The sector is working together to better understand the impacts of natural hazards caused by climate change (including work on climate

related scenario analysis), taking steps to make telecommunications infrastructure more resilient to natural hazards, and thinking carefully about where infrastructure is located.

What we need from government isn't provided for in the Statement

5. One of the most effective actions that government can take to help mitigate the risk to critical infrastructure from natural hazards is to provide data and information. Telecommunication network operators and tower companies need access to quality data and modelling to ensure they make the right network and structural design decisions. Government has a role in ensuring that information exists and is freely available for everyone. Government agencies, local government and critical infrastructure all need this information.
6. We also support the Government taking steps to ensure that developers do not build in high hazard areas, and that homes are not rebuilt in these areas. Regulatory certainty with nationally consistent risk standards for natural hazards, and standardised rules for adaptation planning are needed. Our experience is that local government does not engage with telecommunications companies in the development of rules for natural hazards, and that their consent processes for natural hazards usually do not add value. National direction is needed.
7. While work on national direction for natural hazards would be more effective than a policy statement, if you do push on with the Statement as an interim measure, we recommend it be refocused to make it difficult for new residential developments to be located in natural hazard environments without adequate risk mitigation measures being in place to protect communities.
8. Our [submission](#) to the Inquiry into Climate Adaptation offers further thoughts on climate adaptation and voluntary retreat.

Including infrastructure in the National Policy Statement for Natural Hazard Decision

Making will not help

9. The MFE proposal is to include infrastructure in the new development activities in scope. New development is defined as including “all new buildings or structures, extensions to existing buildings, replacement of existing buildings and **the construction, extension or replacement of infrastructure**” [emphasis added].
10. We do not think a one size fits all approach that treats critical infrastructure (such as telecommunications and electricity) in the same way as residential housing development is appropriate. We think it makes more sense to start with a focus on housing, because of the pressures on local authorities to free up land to develop for housing, and the need for those authorities to have a stronger mandate for assessing

and managing climate change risk. A different policy response is required for critical infrastructure.

11. The TCF submits that infrastructure should not be included in the scope, for the following reasons:
 - a. The telecommunications sector is best placed (and better placed than local authorities) to make informed decisions on the planning of its infrastructure with respect to natural hazard risk. Our members already have sufficient incentives to site their infrastructure in areas without natural hazard risk or where this risk can be adequately mitigated. It is not in our interests to place infrastructure in locations it is more likely to be damaged, because it will affect our ability to provide services to communities and increase costs when needing to repair damage. The MFE user guide on regulation 57 of the National Environment Standards for Telecommunications Facilities supports this view. Section 6.11 notes that “resilience is already factored into industry practice” and that telecommunications “will either avoid hazard areas or engineer structures to be resilient to the hazard risk”¹.
 - b. However, as a provider of critical infrastructure we sometimes need to be able to locate infrastructure in areas subject to natural hazards, because the people who live in these places depend on access to the services we provide, and to facilitate nationwide networks. Infrastructure will only knowingly be placed in high hazard risk areas if a functional or operational need exists and there is no practical alternative location. Typically our infrastructure and networks are designed to take account of any natural hazards where the facility or network is located.
 - c. Adding a local authority planning process component to risk assessments about critical infrastructure will not add value. Best case, it will add costs and delay for both local authorities and infrastructure providers. Worst case, a local authority could make a decision to prohibit the construction or replacement of infrastructure which could result in a community losing connectivity (internet and phone access) or not being able to benefit from vital network improvements.
 - d. Limiting the scope to buildings will have the necessary effect when it comes to new housing developments. If a local authority does not allow new development in an area due to natural hazard risk, the practical effect is that there is unlikely to be the need for new telecommunications infrastructure in that area in any case.

¹ Section 6.11 of the [Resource Management \(National Environmental Standards for Telecommunications Facilities\) Regulations 2016 Users Guide](#).

- e. There is already work being done in other parts of government that is focused on the resilience of critical infrastructure. This includes the [Emergency Management Bill](#), and the [policy work by the Department of Prime Minister and Cabinet](#) that is looking at minimum standards for the resilience of New Zealand's critical infrastructure. Te Waihanga is doing a review of [asset management practices](#) of critical infrastructure. The [Inquiry into the North Island Severe Weather Events](#) and the Select Committee Inquiry into Climate Adaptation will also have recommendations. These work streams could inform later MfE work on natural hazard standards and national direction.
12. If the Government does decide to include infrastructure in the scope, there needs to be a straightforward, nationally consistent and predictable process for decision makers to consider the requirements for critical infrastructure to sometimes be located in a hazardous area, to be able to provide essential services to the community.

Conflict with the National Environmental Standards for Telecommunications Facilities

13. Regulation 57 of the National Environmental Standards for Telecommunications Facilities (NESTF) exempts any natural hazard rules within a District Plan from applying to regulated activities under NESTF. The [user guide for NESTF](#), produced by MFE, notes this is because resilience is already factored into industry practice².
14. The proposal does not consider NESTF and would create an inconsistency in how telecommunications infrastructure is treated under the NESTF and new district plan rules created pursuant to the Statement.
15. If the Government decides to progress the Statement, we propose it is redrafted to be consistent with NESTF. This could be achieved by exempting telecommunications activities from the Statement, or by removing critical infrastructure from the scope, as suggested above.

We are happy to discuss further

16. The TCF would appreciate the opportunity to meet with officials to talk through the points made in our submission. We recommend the Ministry organise a workshop with critical infrastructure sectors, including telecommunications and electricity, who may be similarly affected by the proposals.
17. In the meantime, if you have any questions about our submission please contact kim.connolly-stone@tcf.org.nz in the first instance.

² See section 6