



31 January 2025

Ref: DOIA-REQ-0007612

Wendy Pond

Email: fyi-request-29455-b0ef17bc@requests.fyi.org.nz

Tēnā koe Wendy Pond

I refer to your email of 5 December 2024 to the Department of the Prime Minister and Cabinet requesting, under the Official Information Act 1982 (the Act), the following information:

I wish to understand the 5G roll-out which is taking place without input from our community.

- 1. Please provide a brief history of how the roll-out was initiated.*
- 2. Please describe all aspects of the support provided by government for the roll-out. Please include ((i) financial, (ii) use of existing networks and utilities, (iii) legislation, (iv) contracts, (v) privileges and concessions, (vi) other.*
- 3. Please explain why the related legislation has been composed so as to exclude the public from having a say as to whether we want 5G utilities near our residences.*
- 4. Please explain why electricity and fibre optic cable have been under grounded in order to protect the liveable character of residential areas, while cell poles are being placed in streets without regard for public values placed on street character.*
- 5. Please advise which government and telecommunication agencies are responsible for addressing public concerns about the roll-out.*

On 16 December 2024, your request was transferred to the Ministry of Business, Innovation and Employment (MBIE) for response.

Please see MBIE's response to your request below.

Questions 1 and 2: Rollout of 5G technology

Over the last few decades there have been regular releases of new mobile phone technology. The first version was called the first 'Generation' or 1G. The technology currently used by mobile phones is a combination of 3G, 4G and 5G, or 5th Generation technology. In the coming years, 5G will build on the services we take for granted using 4G, just as 4G enabled sending and receiving of information faster than the previous generations.

The deployment of 5G infrastructure has been undertaken by Spark, 2Degrees and One New Zealand in cooperation with the Government. MBIE is responsible for administering the telecommunications regulatory frameworks that set out the rules within which the mobile companies operate. You can read about MBIE's roles at: www.mbie.govt.nz/science-and-technology/it-communications-and-broadband/.

A timeline of the Government's role in the roll out of 5G technology can be found at: <https://www.rsm.govt.nz/projects-and-auctions/current-projects/preparing-for-5g-in-new-zealand>.

MBIE has also played a role in funding connectivity infrastructure in the past, including infrastructure to support the roll out of 5G. The Crown has invested over \$2 billion in connectivity infrastructure to improve communication quality in New Zealand homes.

Of this investment, more than \$770 million has also been invested in rural connectivity infrastructure improvements. These include several ongoing government-funded rural connectivity programmes, such as the Rural Broadband Initiative, the Mobile Blackspot Fund and the Rural Capacity Upgrade Programme.

Question 3: Consultation on networks

I note the reply you received from Hon Paul Goldsmith of 27 January 2025 (ref: OIAPG405) on FYI.org in response to your questions about engagement with residents in the rollout of 5G and reiterate this response as follows:

"The construction of, or upgrade to, telecommunications facilities, including the roll out of 5G services, are regulated under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF) or through relevant district and regional plans.

The NESTF provides a national planning framework that supports consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand, while ensuring the effects on the environment are managed appropriately.

Under the NESTF, certain telecommunication facilities and activities are permitted, provided they meet certain standards. Network operators are not required to undertake public consultation on activities permitted by the NESTF. This is because the potential adverse effects of these permitted activities were considered during the development of the NESTF and therefore do not require further "site-specific" considerations. For example, the current NESTF permits installation of new cell sites in the road reserve, but with various conditions such as limits on pole locations or pole heights. The NESTF does not set any additional, explicit requirements for facilities providing 5G services but has provisions that limit the dimension of telecommunication antennas or cabinets.

The NESTF also requires telecommunications network operators to ensure that radio frequency exposures near cell sites comply with the limits in the New Zealand exposure standard NZS 2772.1:1999.

If a proposed telecommunications facility, including a 5G facility build, satisfies all NESTF requirements, it is a permitted activity that does not require a resource consent and therefore is not subject to public consultation.

Telecommunications networks are critical national infrastructure and provide services that are a fundamental part of the everyday lives of New Zealanders. Requiring the industry to seek individual resource consents for projects across multiple local authorities, each with its own consenting

requirements, would impact the cost and delivery of telecommunication services for New Zealanders.

Telecommunication facilities that are not covered by the NESTF, or do not meet the standards set out by the NESTF, are subject to district and regional planning rules, which have discretion to specify resource consenting and/or public consultation requirements

If you are interested to learn more about standards contained within the NESTF, you may find this user guide on the Ministry for Environment's website helpful:

<https://environment.govt.nz/assets/Publications/Files/NESTF-2016-Users-Guide-FINAL-pdf.pdf>

Furthermore, mobile network operators are also members of the Telecommunications Forum's (TCF) voluntary code of practice on community engagement (see: <https://www.tcf.org.nz/industry-hub/industry-codes/community-engagement-guidelines-for-new-wireless-facilities/>).

While there is no requirement for network operators to undertake public consultation as part of activities permitted under the NESTF, there was extensive public consultation when these standards were first established in 2008, and again when they were amended in 2016. You can read the discussion document here: <https://environment.govt.nz/publications/proposed-amendments-to-the-national-environmental-standards-for-telecommunication-facilities-discussion-document/>

The summary of submissions to the above consultation is also available to read here: <https://environment.govt.nz/publications/proposed-amendments-to-the-national-environmental-standards-for-telecommunication-facilities-2008-report-on-submissions/>

The Government has also indicated it would like to undertake another review of the NESTF. Formal public consultation on this review is expected to take place later in 2025. You may wish to consider making a submission when this consultation takes place, outlining your specific concerns in relation to 5G roll out”

Question 4: Underground cables and cell towers

Fibre broadband is a fixed connection that uses fibre optic cables to deliver high-speed internet access to a location. Data is transmitted along fibre optic cables and this can therefore occur underground. Wireless technology provides broadband connections that do not require cables or wires, instead using radio frequencies to transmit data from one location to another.

Wireless transmissions can be blocked by physical objects. Elevated sites are therefore most effective at increasing the range of wireless transmissions. Sites may be at the top of buildings or on top of poles. This prevents the signal being blocked by buildings, trees and other geographic features and increases the number of end users that can connect to a wireless site. Wireless technology cannot be undergrounded because the radio transmissions would be blocked by the earth.

Question 5: Government and telecommunication agencies responsible for the 5G roll-out

MBIE is responsible for ensuring that telecommunications markets operate efficiently, and that our communications infrastructure is well-developed. This involves determining the appropriate telecommunications regulatory settings, so that New Zealanders can benefit from communications technologies.

The NESTF are a set of standards that provide a national planning framework for the deployment of telecommunications infrastructure across New Zealand, including 5G infrastructure. All network providers rolling out a 5G network must comply with these standards: <https://environment.govt.nz/acts-and-regulations/regulations/national-environmental-standards-for-telecommunication-facilities/>.

As the agency overseeing telecommunications infrastructure, MBIE is responsible for the NESTF and has a role in developing and reviewing its standards. Concerns about standards contained in the NESTF relating to the infrastructure of the 5G roll out should therefore be addressed to MBIE.

The Ministry of Health (MoH) and Health New Zealand (Te Whatu Ora) have oversight of the standards relating to radio frequency exposure. If you have concerns about radio frequency exposure standards relating to 5G roll out, these are best addressed to MoH and Health New Zealand.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

Please note that this response and enclosed documents, with your personal details removed, may be published on the MBIE website: www.mbie.govt.nz/about/open-government-and-official-information/published-official-information-act-requests.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Daniel O'Grady
Manager, RSM Policy and Planning
Building, Resources and Markets