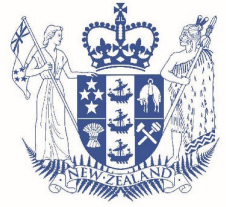


# Hon Paul Goldsmith

Minister for Arts, Culture and Heritage  
Minister of Justice  
Minister for Media and Communications  
Minister for Treaty of Waitangi Negotiations



27 January 2025

Wendy Pond  
[fyi-request-29484-613cbb3a@requests.fyi.org.nz](mailto:fyi-request-29484-613cbb3a@requests.fyi.org.nz)

OIAPG405

Dear Wendy

Thank you for your email of 7 December 2024 to my Office requesting, under the Official Information Act 1982 (the Act), the following information:

*QUESTION 1 What are the grounds on which telecommunication corporations and allied companies are entitled to tell residents that where the utilities comply with regulations, NZ law permits the roll-out 5G without a requirement on the commercial companies to negotiate locations with residents and to avoid, remedy, mitigate effects.*

*Please consider my question carefully, as (i) effects can only be identified by consultation with residents, and (ii) New Zealanders have informed government and companies of substantial physical and financial effects that are unacceptable to us, and (iii) NZ law requires every person to avoid, remedy, mitigate those effects.*

*QUESTION 2 Is the advice from the commercial telecommunication companies to New Zealand residents (that residents have no say in where poles are placed and companies have no responsibility for effects on our lives) the whole truth?*

*QUESTION 3 What provision has been made by government for a community to reject the installation of 5G technology?*

## Questions 1 and 2

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.

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 3**

As discussed above, the NESTF permits telecommunication facilities subject to certain specifications to be rolled out without the need for resource consent. If a telecommunications facility is permitted under the NESTF then community consultation is not required to build the facility. If a telecommunication facility does not meet the requirements in the NESTF, then it will be subject to district plan rules and may require resource consent. Consenting authorities determine their own rules on when a facility is subject to public consultation. This is usually in more environmentally sensitive areas such as conservation reserves or areas with protected landscapes.

While the NESTF does not include any explicit requirements allowing for the public to 'reject the installation of 5G technology' on a specific facility on a case-by-case basis, the NESTF were subject to public consultation requirements set out in the Resource Management Act 1991 at the time of development. This provided an opportunity for the public to provide input into the development of what is enabled by the NESTF. Councils also often have processes that provide opportunities for public feedback in some circumstances for facilities not permitted by the NESTF. Communities may also wish to engage with mobile network operators or tower companies directly to discuss the location of new telecommunication facilities.

If you still have concerns regarding 5G rollout, you can highlight these in a submission once a review of the NESTF is underway.

You have the right to seek an investigation and review by the Ombudsman of the decisions within this OIA response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Goldsmith', written in a cursive style.

Hon Paul Goldsmith  
**Minister for Media and Communications**