



S9(2)(a)

Dear S9(2)(a)

Thank you for your email of 11 August 2022 to the Ministry of Business, Innovation and Employment (MBIE) requesting the following under the Official Information Act 1982 (the Act):

Please provide the following additional information in respect to each of the cell towers located in Pope Street:

- 1. What are the limits on each operator linked to their management rights?*
- 2. Are the 'limits' related to output, average output, or some other formula?*
- 3. Who is monitoring actual in relation to limits, and at what intervals?*
- 4. Who is responsible for policing, reporting and publishing 'limit' breaches?*
- 5. What are the specific regulations in place under the Resource Management Act that require exposures near cell sites to comply with 'limits' in New Zealand standards?*
- 6. Does MBIE consider three towers less than 15m apart in a built up residential area should be treated as three separate towers at physically discrete locations?*
- 7. When granting licences, is MBIE aware of Worlds Best Practice in respect to limits applicable to cell towers clustered in close proximity within residential areas?*
- 8. Was it MBIE that decided to treat one tower with three different street addresses, and another one with two different street addresses, as if really at remote, discrete addresses?*
- 9. Should MBIE have challenged the new (incorrect) addresses used in support of more recent licence applications, when they were aware the applicants each had only one tower?*

On 1 September 2022, part of your request was transferred to the Ministry for the Environment (the Ministry) for response in accordance with section 14(b)(ii) of the Act, as some of the information you requested is more closely connected with the functions of the Ministry. The part of your request that was transferred was:

What are the specific regulations in place under the Resource Management Act that require exposures near cell sites to comply with 'limits' in New Zealand standards?

In response to this part of your request, I can advise the National Environmental Standards for Telecommunication Facilities (NESTF) provides national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand (including exposures arising from telecommunication facilities) while ensuring the effects on the environment are minimised and managed appropriately.

You can find out more about NESTF, as well as a link to the legislation, on the Ministry's website: <https://environment.govt.nz/acts-and-regulations/regulations/national-environmental-standards-for-telecommunication-facilities>

Because this information is publicly available, I am refusing this part of your request pursuant to section 18(d) of the Act.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely



Matthew Barbati-Ross

Acting Director – Implementation