

OIR: 2526/285

26 February 2026

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED],

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email dated **4 February 2026**, regarding the 5G telecommunications tower located outside Kenakena school. You have requested the following information:

1. A clear explanation as to why parents and the school community were not notified or consulted

To clarify, requirements to notify and consult on telecommunication infrastructure are set under the Resource Management Act and by [the National Environmental Standard for Telecommunication Facilities \(NESTF\) Regulations 2016](#) (NESTF). These regulations:

- Provide rules for the positioning of telecommunication infrastructure across New Zealand, in different scenarios.
- Outlines where local authorities, such as council, have a role in regulatory on such infrastructure (which is limited).

Broadly, the regulations require that:

- If a regulated activity is carried out in accordance with the standard, it will be a permitted activity and resource consent will not be required. If it is not carried out in accordance with the standard, the status of the activity will be determined under *regulations 12 to 18* and will depend on the status given to the activity by the relevant district plan.
- If the activity is classified as a controlled, restricted discretionary, discretionary, or non-complying activity, a resource consent will be required.

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

- For controlled and restricted discretionary activities, *regulations 14 and 15* limit the scope of the consent authority's power to grant or refuse consent or to impose conditions.

I can confirm that the resource consent for the installation of the telecommunication tower on Donovan Road, Paraparaumu Beach, was assessed in accordance with these regulations; and that in September 2025, the resource consent was granted as a *Land Use - Restricted Discretionary* activity. Of note under the NESTF:

- Council was required to consider the proposals compliance with these standards. All but two elements of the proposal met standards; and were determined to be 'permitted activity' under these requirements. This included effects on persons who are owners or occupiers of land in, on or over which the application relates or land that is adjacent to the site.
- Of the two elements of the proposal that did not meet requirements and were subject to regulatory consideration by the Council, the following matters were assessed: the height of the tower; and the diameter of the pole and colouring of the mast. Refer to Question 2, below, for further details.

In regards to notification, under the Resource Management Act:

- Councils are unable to notify permitted activities.
- Of the two elements of the proposal considered by Council, as outlined in the Council's Planning Report (also attached), which were non-compliant the effects were determined to be 'less than minor', meaning that notification was not required. The Council's Planning report expands on these points and is attached for your reference.

2. Full transparency regarding health and safety assessments conducted for this site

In addition to the Response to Question 1, I can confirm that health and safety considerations for the towers location were assessed but met requirements set by the NESTF. For reference:

- Page four of Incites Resource Consent Application Report provides an effects assessment of the proposal to determine compliance with the NESTF rules.
- This assessment identifies non-compliance with sections of the NESTF: 28 and 29.
- The assessment determines compliance with all other section of the NESTF, including section 55 related to radio-frequency fields.

Council's assessment of the resource consent application came to the same conclusion.

3. Immediate reconsideration of the tower's location, with alternatives explored away from schools and childcare facilities

Under the Resource Management Act, once a resource consent has been granted the Council is unable to change its decision. However, the Act does provide for

other mechanisms to review the process followed but that would not necessarily mean that the resource consent status changed.

As outlined in the Response to Question 1 and 2, all but two requirements for the installation of telecommunication towers as set by the NESTF were met, providing Council with limited regulatory discretion.

I acknowledge the concerns you raise in your request noting that Council is required to administer legislation and the policy direction set by the Government of the day. However, where concerns about regulatory settings are raised to Council, particularly health and safety and the wellbeing of the community, we do take steps to put forward these concerns with the Department or Ministry that has oversight for legislative change. Whilst this request raises concerns regarding the resource consent application, in this instance I think it appropriate to forward your concerns to the Ministry for the Environment for consideration, as it relates to the requirements set by legislation.

If you have any further questions, you are welcome to contact Acting Manager Consenting Steve Cody: steve.cody@kapiticoast.govt.nz

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

If you are interested in the attachments which accompany this response, please contact us at: informationrequest@kapiticoast.govt.nz.