

Policy Details

Directorate:	Organisational Services
Branch:	Administration
Responsible Manager:	Administration Manager
Date adopted:	24/02/2021 (minute number 184/2021)
Date for review:	2 years from the date of adoption or date of last review
Legislative basis:	Not applicable
Related Documents - forms and procedures	Procedure – Telecommunications Facilities on Council Property (DM: 14090807)

1. Policy Purpose

The purpose of this policy is to establish an effective and transparent framework for:

- (a) the grant by Council of Tenure to Carriers over Council Property, consistent with the requirements of the *Local Government Regulation 2012* (Qld); and
- (b) the expenditure of income received from any Tenure arrangements.

2. Scope

This policy applies to:

- (a) all Councillors, employees and contractors working from Council, regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors; and
- (b) all Carriers who seek to install and operate a Facility on Council Property.

The Administration Branch is responsible for ensuring this policy operates effectively.

3. Policy Statement

- (a) Council acknowledges the importance of the provision of communication networks for the benefit of the community.
- (b) Carriers may apply to Council for the installation and operation of Facilities on Council Land. Carriers are encouraged to explore options for co-location before seeking to install a new Facility on Council Property.
- (c) In respect of a High Impact Facility on Council Property:
 - (i) Council will require the Carrier to enter into a Lease;
 - (ii) the grant of any Lease will be conditional upon a resolution by Council to approve it; and
 - (iii) a development application may need to be made by the Carrier (at their own cost) and a Development Approval received before Council will sign the Lease.
- (d) In respect of a Low Impact Facility on Council Property:
 - (i) Council will require a Carrier to enter into the most appropriate form of Tenure, having regard to the nature of the Facility; and
 - (ii) the grant of that Tenure may be conditional upon a resolution by Council to approve it.
- (e) The Carrier is required to meet any costs incurred by Council in respect of the grant of any Tenure including legal and valuation expenses, the costs of preparation of a survey plan, stamp duty and registration fees.

- (f) The income received from any Tenure granted will be predominantly made available for allocation as part of Council's annual budget.

Telecommunications Facility on Council Property - Procedure

All decisions and/or actions made under this policy must be made in accordance with the Telecommunications Facilities on Council Property - Procedure (DM: 14090807).

4. Definitions

The following definitions apply to this policy and the associated procedure.

TERM	DEFINITION
Carrier	has the meaning provided in the Act.
Council	means Logan City Council.
Council Property	includes: a) Freehold land owned by Council; b) Trust Land which Council controls; and c) Infrastructure owned by Council (including buildings and Public Utility Structures).
Facility	has the meaning provided in the Act.
Lease	means a Form 7 lease capable of registration in the Queensland Titles Office, which grants exclusive possession to a Carrier for the purposes of installation and operation of a Facility.
Low Impact Facility	has the meaning provided in the Act.
High Impact Facility	means a telecommunications Facility that is not a Low Impact Facility.
Tenure	includes a: a) Lease; b) licence; or c) access agreement.
Trust Land	means land administered under the <i>Land Act 1994</i> (Qld) including reserves.

Document Control

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Amendment History

Version Number	Description of Change	Author / Branch	Date
1.0	Original version	Administration	24 February 2021