

## Policy Details

<b>Directorate:</b>	Organisational Services
<b>Branch:</b>	Corporate Property
<b>Responsible Manager:</b>	Corporate Property Manager
<b>Date adopted:</b>	24/02/2021 (minute number 184/2021)
<b>Date for review:</b>	2 years from the date of adoption or date of last review
<b>Legislative basis:</b>	Not applicable
<b>Related Documents - forms and procedures</b>	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.

<b>TERM</b>	<b>DEFINITION</b>
Carrier	has the meaning provided in the Act.
Council	means Logan City Council.
Council Property	includes: <ul style="list-style-type: none"> <li>a) Freehold land owned by Council;</li> <li>b) Trust Land which Council controls; and</li> <li>c) Infrastructure owned by Council (including buildings and Public Utility Structures).</li> </ul>
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: <ul style="list-style-type: none"> <li>a) Lease;</li> <li>b) licence; or</li> <li>c) access agreement.</li> </ul>
Trust Land	means land administered under the <i>Land Act 1994</i> (Qld) including reserves.

## Document Control

<b>File:</b>	1197366-1	<b>Document Id:</b>	14090799
--------------	-----------	---------------------	----------

### Amendment History

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