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## TELECOMMUNICATIONS FACILITIES TENURE ON COUNCIL INFRASTRUCTURE

### APPROVALS

<b>POLICY NUMBER</b>	WW-POL-110	<b>DOC.ID</b>	4942796
<b>CATEGORY</b>	Administration		
<b>POLICY OWNER</b>	Water & Waste		
<b>APPROVAL DATE</b>	27 July 2022	<b>RESOLUTION NUMBER</b>	7962

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## OBJECTIVE

The aim of this policy is to establish a process for the review, establishment and approval of tenure arrangements for telecommunication facilities on Council owned infrastructure.

## SCOPE

This policy applies to Council owned and controlled infrastructure within the local government area and any carrier and/or applicant who seeks to install and operate a telecommunication facility atop Council buildings and reservoirs.

## DEFINITIONS

TERM / ACRONYM	MEANING
Telecommunication facilities	A fixed structure including all equipment housing, tower, antennas, monopole, footings, foundations, conduit and/or any other fittings, fixtures and cabling.
Water and Waste infrastructure	Council owned infrastructure whereby Water and Waste directorate are the delegated asset owner. Example may include water towers and reservoirs.
Council	Isaac Regional Council.
Tenure, tenure agreements and/or tenure arrangements	Includes a lease or access agreement between council and carrier and/or applicant.
Carrier	The telecommunications or network carrier that proposes to enter a lease arrangement on Council Infrastructure.
Applicant	Any individual, company or organisation who proposes to enter a lease arrangement on Council Infrastructure.

## POLICY STATEMENT

The intent of this policy is to consider the interests of the community and requirement of water and wastewater services operations before granting a lease to a carrier and/or applicant. Carriers and/or applicants telecommunication facilities will co-locate on existing Council owned infrastructure.

## APPLICATIONS

An application will be required for all tenure proposals for the establishment of telecommunications facilities on Council owned infrastructure. All applications are subject to approval. Approval will be granted with consideration of, but not limited to the following conditions:

- Plans of the development including design, installation methodology, transmitting services, associated Radio Frequency Electromagnetic Energy (RF EME) hazards and consideration of the aesthetic look must be included as part of the application.
- Any installation must be placed a safe distance away from designated access areas e.g. ladders, hatches and walkways.
- Should it be required, Council reserves the right to temporarily remove any telecommunication facilities in the event of a requirement as part of the operation and maintenance of the infrastructure, with the carrier and/or applicant responsible for all associated costs with the removal and reinstatement of the infrastructure.
- The development of a formal lease agreement with terms agreed including but not limited to public liability insurance, maintenance and repairs and end of tenure conditions.

## TERM OF LEASE

All telecommunication leases will have a maximum term of five (5) years.

## RENT

The rent at the commencement of the tenure will be based on market value and will be on a gross basis plus GST.

Rent will be increased on each anniversary of the commencement date of the tenure by an annual increment rate determined by Council in consultation with carriers and/or applicants.

Telecommunication facilities deemed to be for Emergency Services use or for registered not-for-profit organisations will be eligible for a reduced rental rate of 3% of the market value plus GST.

## ACCESS

Access to sites by a carrier and/or applicant will only occur after a formal acceptance of a lease offer has been made. Conditions of access will form part of the lease agreement dependent on the site to be leased, however in general terms lessees can access site of telecommunication facilities during Council business hours. Access required outside of Council business hours may result in a nominated call out fee being charged.

Any lessees will be treated as a non-engaged contractor by Council and as such will be required to complete an annual site induction and maintain current public liability insurance.

## CARRIERS WITH EXISTING TELECOMMUNICATION FACILITIES

Carriers who currently have existing telecommunication facilities installed on Council infrastructure will be provided 6 months' notice to conform to the conditions of this policy.

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## LEGISLATIONS AND RELATED GUIDELINES

- *Local Government Act 2009.*
- *Local Government Regulation 2012.*
- *Telecommunications Act 1997.*
- *Property Law Act 1974.*
- *Land Valuation Act 2010.*

## REFERENCES

Nil