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1. Statement

The purpose of this policy is to establish a process for the review and approval of proposed leases over Council freehold and trust land for telecommunications purposes.

2. Purpose and Principles

It is acknowledged that telecommunications towers provide a vital link to residents and visitors to ensure access to a dependable mobile service at all times. Council has set criteria to assess applications received for the leasing of Council land for telecommunications purposes to support the needs and requirements for telecommunication services while meeting community expectations.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan themes:

- Vibrant and Growing
- Safe, Inclusive and Creative

4. Regulatory Authority

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Property Law Act 1974*
- *Land Act 1994*
- *Planning Act 2016*
- *Land Valuation Act 2010*
- *Land Title Act 1994*
- *Telecommunications Act 1997*

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

The provisions of this policy apply to all applications received by Council from or on behalf of carriers for leases on all freehold and trust Land managed by Council.

Carriers must co-locate on existing towers or public utility structures to ensure the best visual outcome, unless otherwise reasonably justified.

7. Roles and Responsibilities

All proposals to establish telecommunications facilities on Council owned or controlled land will be subject to the submission of an application for lease with Council's Property Services Team.

Council's Property Services Team will assess applications to ensure that the best commercial terms are obtained for the community.

8. Key Stakeholders

- Infrastructure Strategy –Infrastructure and Environment
- Development Planning Branch – Planning and Regulatory Services

9. Application Criteria

All tenure proposals for the establishment of telecommunications facilities on Council owned or controlled land will require an application to lease for telecommunications purposes. The decision making process will comply with existing relevant legislation and Council policy and procedure requirements.

The lease for telecommunications purposes, will only be executed by Council following the receipt of any required approvals including a development application approval where applicable.

Council will only consider an application for a lease for telecommunications purposes on Council owned facilities or land when the carrier has provided the following details:

- A location map showing the subject site for the proposal.
- Plans of the development including a site plan, elevations and a photomontage for the telecommunication tower, transmitting devices and associated infrastructure proposed to be installed on the property. Details should also include any landscaping proposed to soften or screen the facility when viewed from a residence or public place.
- Details on public consultation carried out to gauge the level of support from surrounding residents and neighbours of the proposed facility. This may include public meetings, newspaper advertisements, surveying neighbours via door knocking, letterbox drops etc. Public consultation must be completed before Council will consider the application for a lease.
- Details as to why the site is suitable and, if the proposal is for a new tower, whether all opportunities for sharing and co-location have been considered and exhausted.
- Details on alternative sites that have been investigated on both public and private land and why those sites are not suitable.

- The measures proposed to mitigate fears in relation to public health and whether distances to homes, schools, day care centres and the like have been maximised.
- Whether any vegetation or habitat is to be removed, and if so, details of proposed mitigation or offset measures.
- The community benefit of the proposal.

10. Heads of Term

Council's Heads of Term document is required to accompany the application for the proposed site. The Heads of Term document will be in accordance with Council's Standard document for the relevant carrier, registered at the Titles Registry.

A Heads of Term document must not be entered into by Council prior to council approval.

11. Council Approval

The entering into a Heads of Term or lease is subject to a Council resolution. Council resolution will be sought following the required approvals being received. The Council resolution will also stipulate the key terms of the lease including:

- Proposed site (including address & real property description)
- Rent
- Term of the lease

12. Term of Lease

All telecommunication leases will have a maximum term of ten (10) years including options and any consecutive leases. If approval is granted by Council, any leases exceeding a term of (10) years over Council freehold land will require a reconfiguration of a lot under the *Planning Act 2016*.

13. Rent

Rent will be determined based on a valuation report prepared by an independent registered Valuer on the market value of leases for telecommunications purposes in the local government area of Ipswich City. Rent will be on a gross basis plus GST, with no further charges applicable.

The annual rent for subsequent years of each rent period shall be the amount calculated at the previous year's rent increased by an annual increment rate determined by Council in consultation with carriers, based on a valuation report prepared by an independent registered Valuer. Valuation Reports will be valid for a period of 12 months.

Should the carrier not agree with the rent determination, the carrier will need to provide a valuation report to Council on the market value of leases for telecommunications purposes in the local government area of Ipswich City at their own cost.

14. Occupation of Site

Occupation and use of a site by a carrier is only permitted once a Lease Agreement has been fully executed by both parties. Carriers may obtain consent from Council to access the site only to conduct any preliminary investigations, construction is not permitted.

15. Reserve Land

If the property is a Reserve that Council is trustee for, carriers must meet the requirements of any policies, procedures, guidelines or conditions set by Department of Natural Resources, Mines and Energy (DNRME).

Under the Secondary Use of Trust Land Policy PUX/901/209 the development of telecommunications facility’s on community purpose land will be discouraged unless the facility meets a public benefit and the placement represents a superior location option on technical or planning grounds.

The Carrier will be required to submit a land management plan and a condition of the trustee lease is to include that the site is to be returned to its original condition upon decommissioning of the facility or in the case where a further trustee lease is not issued. Reference to the Secondary Use of Trust Land Policy PUX/901/209 is to be included in the trustee lease.

16. Monitoring and Evaluation

- Ensure all commitments relating to the tenure agreement are achieved in the required timeframes.
- Ensure each party is meeting their obligations under the terms and conditions of the tenure agreement.

17. Definitions

Application	Application for lease for telecommunications purposes
Carrier	The telecommunications or network carrier that proposes to lease Council Land
Council	Means Ipswich City Council
Facility	The telecommunications facility the Lessee operates upon the premises, being the equipment shelter, tower, security fence, antennas and/or any other associated fixtures, fittings, structures, and/or cabling.
Lease	A Trustee Lease under the <i>Land Act 1994</i>

18. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Property Manager (Property Services Team) is responsible for authoring and reviewing this policy.