

Title	Telecommunications Infrastructure on Council Property
Council Resolution	Item 11 (20 March 2017) as per Council Minutes
Responsible Directorate	Corporate Governance
Due for Review	Four (4) years from Council Resolution Date
Strategic Plan Reference	<u>Leading our Community</u> <i>4.1 Govern in an open and responsible manner in the best interests of the community.</i> <i>4.2 Manage our resources to achieve community outcomes</i>
ECM	Council Policy

PURPOSE

This Policy provides guidance as to when Council will provide its consent, as owner, to the installation of telecommunications infrastructure on Council Property.

It aims to find a balance between the preservation of residential amenity, obtaining commercial returns on Council owned land and ensuring an effective and reliable telecommunication network to service the City of Glenorchy.

SCOPE

This policy applies to:

- a) Council Property, and
- b) any request from a person or entity for Council's permission to install telecommunications infrastructure on Council Property.

Nothing in this policy alters or removes any obligation on a person to obtain all necessary planning approvals and comply with any and all relevant laws, including any other relevant Council policies.

STATUTORY REQUIREMENTS

Under section 52 of the *Land Use Planning and Approvals Act 1993 (LUPAA)*, if an applicant for a planning permit is not the owner of the land in respect of which the permit is sought, and the land is owned or administered by Council, the consent of Council (through the General Manager) is required in order to make the application.

Under section 178 of the *Local Government Act 1993*, a resolution by an absolute majority of Council is required if Council intends to sell, lease, donate, exchange or otherwise dispose of public land.

Acts	<i>Land Use Planning and Approvals Act 1993</i> <i>Local Government Act 1993</i>
Regulations	<i>Telecommunications (Low-impact Facilities) Determination 1997</i>
Other	Planning Scheme

DEFINITIONS

Council Property	For the purpose of this Policy, 'Council Property' means any land in respect of which Council is the 'owner' for the purposes of section 3 of LUPAA
Planning Scheme	The <i>Glenorchy Interim Planning Scheme 2015</i> (or the instrument that replaces it)

The following terms used in this Policy adopt the same definitions used in the Planning Scheme:

areas of environmental significance	Means as defined in the <i>Telecommunications (Low-impact Facilities) Determination 1997</i> .
line	Means a wire, cable, optical fibre, tube, conduit, waveguide or other physical medium used, or for use, as a continuous artificial guide for, or in connection with, carrying communications by means of guided electromagnetic energy.
telecommunications infrastructure	Means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.
telecommunications network	Means a system, or series of systems, that carries or is capable of carrying communications by means of guided and/or unguided electromagnetic energy.
tower	Means a tower, pole, mast or similar structure used to supply a carriage service by means of telecommunication.

POLICY STATEMENT

1. All applications by a person or entity are for Council’s permission to install telecommunications infrastructure on Council Property are to be presented to Council (in the form of an officer’s report) for consideration and in-principle approval*.
2. In considering whether to give its in-principle approval to an application, Council will have regard to the following criteria:
 - a) whether the proposed telecommunications infrastructure represents the highest and best use of the relevant Council Property, based on commercial, social and environmental considerations
 - b) whether the telecommunications infrastructure will assist in the provision of comprehensive and reliable telecommunication coverage throughout Glenorchy, and will provide services to both business and residential users
 - c) whether the proposed telecommunication infrastructure is designed and positioned such that it will not result in harm to human health or safety, adverse environmental impacts or a loss of amenity
 - d) the extent and effectiveness of public consultation which has been or will be undertaken
 - e) commercial considerations, including whether the proposed development will provide an adequate financial return to Council, and
 - f) whether there is any other reason to approve or refuse the application, having regard to commercial, social and environmental considerations.
3. All applications to lease Council land for telecommunications facilities will be subject to the entry into an appropriate commercial lease arrangement, which must include payment of an appropriate market based rental to Council, and otherwise be on terms satisfactory to Council.

* Note that if, as part of approving in-principle, the request to install telecommunications infrastructure, Council is required to decide whether to dispose of Council Property (for example, by entering into , Council’s resolution by absolute majority is required under section 178 of the *Local Government Act 1993*).

BACKGROUND

As the governing body for the City of Glenorchy, Council's functions are to:

- (a) provide for the health, safety and welfare of the community
- (b) represent and promote the interests of the community, and
- (c) provide for the peace, order and good government of the municipal area.

As the owner of Council Property, Council is able to decide how Council Property will be used, and in doing so must have regard to Council's statutory functions and obligations.

In determining whether to permit the installation of telecommunications infrastructure on Council Property, Council must find a balance between the preservation of residential amenity, obtaining commercial returns on Council owned land and ensuring an effective and reliable telecommunication network to service the City of Glenorchy.

This policy is intended to assist Council in making decisions relating to telecommunications infrastructure on Council Property.