

# Policy

## **Telecommunications Facilities on Council Owned Land**

Version 1.4

Adopted by Council at its meeting on 26 October 2017

Division:  
Section:  
File Reference:  
Historical Reference:

Planning and Regulation  
Development Assessment and Compliance  
Council Policies/Protocols/Procedures  
See Version Control

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## Telecommunications Facilities on Council Owned Land

### 1 Policy Objective

1. To enable the provision of up to date telecommunication facilities on Council Owned land.
2. To ensure such facilities when proposed on Council owned lands are suitable for the proposed site.
3. To establish a set of parameters for Council to consider prior to issuing owners consent for the development to proceed.
4. To improve Urban Design, and minimise impact on Council land and infrastructure, residential amenity and cultural and heritage values'.
5. To provide land and infrastructure to underpin economic development and employment.
6. To protect the environment and natural beauty of the Tweed.
7. To conserve native flora and fauna and their habitats.

### 2 Policy Background

This policy has been developed to ensure that Council encourages the development of telecommunications facilities on Council controlled land as outlined in Council's Community Strategic Plan Objective 3.1.8;

*"Promote improved telecommunications and broadband access"*

### 3 Low Impact Facility Process

#### 3.1 Exemption from State Planning Laws

A licensed carrier under the Federal Telecommunications Act has certain exemptions from state planning laws. Below is an excerpt from the ACMA telecommunications fact sheet;

*"A carrier authorised under the Telecommunications Act to install a low-impact facility is immune from some state and territory laws, including town planning and environmental laws.*

*This immunity applies during the inspection of land, the installation of certain types of telecommunications facilities, including low-impact facilities, and the maintenance of facilities. However, while engaged in these activities, the carrier must comply with the requirements in the Telecommunications Act and the Telecommunications Code of Practice 1997. The Telecommunications Code of Practice only applies when the immunity from state and territory laws applies.*

*Immunity from certain state and territory laws does not apply to the everyday operation of low-impact facilities, for example, their operation must comply with any state restrictions on noise emissions.”*

<http://www.acma.gov.au/Industry/Telco/Infrastructure/Network-facilities/acma-installation-of-telecommunications-facilities-a-guide-for-consumers-fact-----sheet>

### **3.2 Policy Process for Low Impact Facilities**

- a) If the proposed Telecommunications Facility will be a ‘Low-Impact facility’ then a development application will not be required and therefore owners consent is also not required. In this instance the applicant will be required to meet the requirements of the Policy before Council can issue an Approval to Grant Tenure.

## **4 Development Application Process**

### **4.1 Policy Process for Development Applications**

#### Owners Consent

- a) The applicant will be required to meet the requirements of the Policy before Council can issue Owners Consent for a development application.
- b) Council must resolve to issue owners consent on a development application for Telecommunication Facilities to proceed on Council owned land.

#### Council's Role as Planning Authority

- c) Any Owners Consent arising from this Policy will entitle the applicant to lodge a development application over Council owned land. In no way does this fetter Council's statutory role as planning authority over the parcel of land. This role will be undertaken independently by Council's Planning and Regulation Division.

## **5 Policy**

Prior to issuing Owners Consent to a Telecommunication Facility, the applicant must provide the following details to Council:

1. Plans of the development including site plan, elevations and a long and short range photomontage for telecommunication towers and other transmitting devices fitted to existing Council infrastructure or towers. Details should also be included of any landscaping proposed to soften or screen the facility when viewed from a residence or public place.
2. Details of compliance with the Telecommunications code of Practice requirements to engage with the surrounding residents and neighbours for the facility. This can include public meetings, surveying neighbours, door knocking, letterbox drop etc.
3. Details on the Council land in terms of it being classified Operational or Community.
4. Details as to why the site is suitable, and whether all opportunities for sharing and co-location have been considered and exhausted.
5. Details on alternative sites that have been investigated on both public and private land and why those sites are not suitable.

6. Details on whether any vegetation or habitat is to be removed. If so what mitigation measures are proposed.
7. Details of the need of the facility including a demand analysis of the area the proposed telecommunications facility it is to serve.
8. Details of consistency the proposal has with any adopted Plan of Management in force over any Council land classified as Community land.
9. Demonstrate that the proposed installation meets the ACMA regulatory requirements for electromagnetic energy (EME).
10. Ensure that any lease entered into by Council for the proposed facilities should ensure that;
  - a) Council will not incur any cost arising from installation and maintenance of, site access to the proposed facilities. These costs are to be met by the telecommunications carrier.
  - b) At the expiration of the lease the telecommunications carrier will be responsible for the restoration of the site to its original condition.

## **6 Related Legislation**

Environmental Planning and Assessment Act (NSW)  
Telecommunications Act (Federal)

## **7 Review Period**

This policy will be reviewed in two years from adoption.

## **8 Useful Links**

[Tweed Shire Council website](#)

[Office of Local Government](#)

[www.nbnco.com.au](http://www.nbnco.com.au)

[Environmental Planning and Assessment Act 1979](#)

[State Environmental Planning Policy \(Infrastructure\) 2007 \(NSW\)](#)

[Telecommunications Act 1997 \(Fed\)](#)

[Telecommunications Code of Practice 1997](#)

[Telecommunications \(Low-impact Facilities Determination\) 1997 \(Fed\)](#)

[ACMA - Installation of telecommunications facilities - a guide for consumers](#)

[www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Telecommunication](http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Telecommunication)

[National ICT Australia \(NICTA\)](#)

[Australian Mobile Telecommunications Association \(AMTA\)](#)

[Mobile Carriers Forum](#)

[Australian Communications Consumer Action Network \(ACCAN\)](#)

[Radio Frequency National Site Archive](#)

**8.1 Version Control:**

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
1.1	<i>Revisions made post public exhibition</i>	<i>24/03/2017</i>
1.2	<i>Revisions made to change owners consent to be granted by Council</i>	<i>18/5/2017</i>
1.3	Changes made to Policy Objectives as per Council resolution 20 July 2017	Revised Policy adopted by Council 26 October 2017
1.4	Updated to current template format. Reviewed as part of Policies Review and no changes required.	16 June 2022