



**TELECOMMUNICATION
FACILITIES ON
COUNCIL OWNED LAND
POLICY
P5.0368.1**

TELECOMMUNICATION FACILITIES ON COUNCIL OWNED LAND POLICY

DIRECTORATE: Growth and Finance
BRANCH: Finance and Property Services
CATEGORY: 2

1. Purpose

- 1.1 This Policy has been developed to provide a framework to manage requests for the development of telecommunication facilities on Council owned Land.

2. Alignment with Community Strategic Plan

- 2.1 Council's Community Strategic Plan 2036 identifies five key directions to guide Council towards achievement of the vision for Camden to 2036 that "Camden is a connected, diverse, and thriving community, embracing opportunities of growth, while valuing our rich heritage and protecting and sharing responsibility for our natural environment".

The following objectives and strategies are applicable to this Policy and relevant to the key directions of Welcoming and Leading:

- W3.3 – Address community needs through the provision of services and facilities targeting specific user groups.
- L3 – Our Council decisions are informed, accountable and transparent.

3. Scope

- 3.1 This Policy applies to all Council officials.
- 3.2 This Policy applies to proposals to lease and develop Council land for the purpose of a telecommunication facility.

4. Objectives

- 4.1 The main objectives of this Policy are to:
- Enable the provision of telecommunication facilities on Council owned land.

- Ensure such facilities, when proposed on Council owned land, are suitable for the proposed site, having regard to environmental, amenity and other relevant issues such as current use of the site and any proposed future use by Council.
- Ensure the design of the proposed facilities minimises the impact on Council land and infrastructure, residential and public amenity, and cultural and heritage values.
- Ensure that the proposed facilities do not have an adverse impact on vegetation and habitat, the amenity of the area and public health of residents.
- Ensure that the proposed facilities do not have an adverse impact on existing uses of the site during construction or during ongoing maintenance.
- Ensure that the applicant works to provide Council the best possible outcomes for the community, which includes (but is not limited to) visual amenity, design, landscaping, vegetation etc.

5. Policy Statement

5.1 Telecommunication Facilities in the Community

- 5.1.1 Telecommunication facilities enable the transmission of voice, data, image, graphic and video information between or among points by wire, cable, optical fibre, microwave, radio, satellite, or similar equipment.
- 5.1.2 The development of telecommunication facilities and related leases for Council owned land are governed by Commonwealth, State and local legislation and guidelines.
- 5.1.3 Such proposals require consideration of:
 - 5.1.3.1 The importance of reliable, uninterrupted telecommunication coverage to the success of the Camden Council Local Government Area as a place to live, study and do business.
 - 5.1.3.2 The suitability of proposed sites, having regard to environmental and amenity considerations, existing or intended use of the site, and other relevant issues.
 - 5.1.3.3 The commercial terms of the lease.

5.2 Proposals for Telecommunication Facilities

- 5.2.1 Applicants are to initially discuss their proposal for telecommunication facilities on Council owned land with Council's Property Services Team.
- 5.2.2 Consideration should be given to the sharing and co-location of telecommunication facilities.
- 5.2.3 Proposals must ensure that Council will not incur any costs associated with the installation and maintenance of the proposed facilities, including maintenance of landscaped areas.
- 5.2.4 Proposals which propose the replacement or extension of existing lighting structures on Council owned sportsgrounds will not be considered.
- 5.2.5 Upon receipt of a request for telecommunication facilities on Council owned land, the Property Services Team will:
- Consult with relevant internal stakeholders; and
 - In the instance where the application has merit for consideration, advise the applicant of the following:
 - The process for considering the proposal; and
 - Key matters to be considered for the development application and proposed lease.

5.3 Issuing of Owners Consent

- 5.3.1 At the time of requesting owners consent from Council to submit a Development Application for a telecommunication facility, the applicant must provide the following details:
- Plans for the development including site plan, photomontage, elevations. Details should also be included of any landscaping proposed to soften or screen the facility when viewed from a residence or public place.
 - Details as to the reasons why the applicant considers the site is suitable, including an analysis of what other locations have been considered.
 - Details on whether any vegetation or habitat is to be removed. If so, what mitigation measures are proposed.
 - Details of the need for the facility including a demand analysis of the area the proposed telecommunication facility is to serve.

5.3.2 Council may request further information not listed above in order to consider the request, which the applicant will be required to provide.

5.4 Owners Consent for Lodgement of a Development Application

5.4.1 The applicant will be required to meet the requirements of this Policy before Council may issue Owners Consent for a development application to be lodged.

5.4.2 Owner's consent may be issued under sub-delegations.

5.4.3 Any owner's 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 of the parcel of land.

5.5 Telecommunication Facilities by a Public Authority

5.5.1 Council acknowledges that development for the purposes of telecommunication facilities (including radio facilities) may be carried out by a public authority without consent on any land under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

5.5.2 The public authority will be requested to adhere to the considerations outlined in this Policy for a telecommunication facility on Council owned land.

5.6 Leases for Telecommunication Facilities

5.6.1 Applicants must enter into a lease with Council before any works occur on Council land.

5.6.2 The applicant will need to pay Council rental in accordance with the lease which is reflective of market rent or market conditions.

5.6.3 As part of the negotiation process, an independent valuation will be undertaken to assess the market rental.

5.6.4 The applicant will be liable for all costs incurred by Council as part of the lease, including but not limited to legal fees and valuation fees.

5.6.5 The applicant will be required to have the appropriate insurances in place in accordance with the terms of the lease.

5.6.6 At the expiration of the lease the applicant will be responsible for the restoration of the site to its original condition.

5.6.7 Any proposed lease of Community Land for a term exceeding five years must be the subject of a tender, as per section 46A of the *Local Government Act 1993*. For such leases, any tender is to be awarded subject to:

- Development consent; and
- Notification of the proposed lease and subsequent referral to the Minister for Local Government, if there are any objections to the lease.

6. Lease Renewal and Subleasing Proposals

6.1 Proposals to renew a telecommunications lease, or for another telecommunication provider to sublease an existing telecommunication facility, will be considered on a case-by-case basis by the Property Services Team.

7. Notification of Proposed Lease

7.1 Any proposal for a telecommunication facility on Community Land will be publicly notified for a period of 28 days in accordance with the *Local Government Act 1993*.

7.2 In addition to notifying nearby residents and landowners of such proposals, Council will also consult with user groups of the Community Land (e.g. sporting groups, community groups).

7.3 The applicant may need to be consulted by Council for relevant information in order to respond to any submissions received as a result of the notification. This may also involve negotiation of the raised concerns to resolve the submission.

7.4 In the event any submission cannot be resolved, Council may decide not to proceed with the proposal.

8. Roles and Responsibilities

8.1 All Council officials

All Council officials are responsible for ensuring their compliance with this Policy.

8.2 Property Services Team

The Property Services Team will be responsible for the following functions in relation to this Policy:

- Ensuring the currency of this Policy.
- Maintaining records appropriately in accordance with the relevant policies and procedures.
- Assessing requests received for telecommunication facilities on Council owned land.
- Undertaking internal consultation to obtain feedback from internal stakeholders on the proposal so as to consider it holistically.

9. Reporting

9.1 There are no reporting obligations required under this Policy.

10. Evaluation

10.1 The success of this Policy will be measured by:

- No reported breaches of this Policy.

11. Review

11.1 This Policy will be reviewed every three years or more frequently as required.

12. Definitions

Act	The <i>Local Government Act 1993</i> (NSW)
Community Land	Land owned by Council that is classified as 'community land' under the <i>Local Government Act 1993</i> . The Act governs the use and management of community land, including the issue of leases and licences.
Council	Camden Council
Council official	Has the same meaning it has in the Model Code of Conduct for Local Councils in NSW and includes Councillors, members of staff of a Council, Administrators, Council Committee Members, and delegates of Council
ELG	Executive Leadership Group

Lease	A written agreement in which the owner of the property allows exclusive use of the property to a tenant for a specified period of time (term) for specific periodic payments (rent), and other terms and conditions.
Public Authority	As defined in the <i>Independent Commission Against Corruption Act 1988</i> and includes the following: (a) a Public Service agency or any other government sector agency within the meaning of the <i>Government Sector Employment Act 2013</i> , (b) a statutory body representing the Crown, (c) an auditable entity within the meaning of the <i>Government Sector Audit Act 1983</i> , (d) a local government authority, (e) the NSW Police Force, (f) a body, or the holder of an office, declared by the regulations to be a body or office within this definition.
Staff	Includes employees and volunteers undertaking work for Council
Telecommunication Facility	Means: (a) Any part of the infrastructure of a telecommunications network, or (b) Any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or (c) Any other thing used in or in connection with a telecommunications network.

13. Related Materials

13.1 Related Legislation

- *Environmental Planning and Assessment Act 1979*

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Telecommunications Act 1997 (Commonwealth)*
- *Telecommunications Regulations 2001 (Commonwealth)*

13.2 Related Policies, Procedures and Other Guidance Material

- Property Lease and Licence Policy
- Relevant Plans of Management for Community Land

Camden Council
Telecommunication Facilities on Council Owned Land Policy

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Responsible Branch	Finance and Property Services
Responsible Manager	Chief Financial Officer
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