

COMMUNICATIONS INFRASTRUCTURE POLICY

Approval Level:	Executive Management Team
Policy Type:	Organisational
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Review Date:	30/01/2026
Responsible Officer:	Manager, Property Services
Owner:	Property
Responsible Director:	Presentation and Assets
Relevant Legislation/Authority:	Local Government Act 2020 Crown Land (Reserves) Act 1978 Planning and Environment Act 1987 Greater Bendigo Planning Scheme Telecommunications Act 1997 Code of Practice for telecommunications facilities in Victoria
DOCSETID:	4873021

1. PURPOSE

The purpose of this policy is to:

- 1.1 Create a framework for decision making on the use of City owned or managed land for the provision of communication infrastructure such as towers and their ancillary facilities;
- 1.2 Ensure the visual impacts of communication infrastructure are minimised in heritage settings;
- 1.3 Ensure the long term higher or best use of a site is not compromised by the approval of communications infrastructure facilities;
- 1.4 Ensure the provision of communication infrastructure across the local government area is recognised as an important component of supporting the health and wellbeing of the community through fair and equitable access to services.

2. BACKGROUND

- 2.1 The City owns and/or manages on behalf of other authorities a significant amount of property that has a variety of functions from commercial premises, active or passive open space, carparks and historical buildings such as the Town Hall.
- 2.2 The City is regularly approached to utilise sites for the provision of communication infrastructure facilities and has over the years entered into leases with providers, however,

this has been undertaken in an ad-hoc way with limited consistency in the agreements in regard to timeframes, lease fees or location requirements.

- 2.3 The need for this policy was supported by the Public Space Committee following concerns raised by the Property Unit that they had no clear process for decision making for the issuing of licences/leases for communication infrastructure facilities on City owned or managed land in the local government area.

3. SCOPE

- 3.1 This policy applies to all land owned or managed by the City in the local government area.
- 3.2 The policy applies to relevant City employees involved in the decision-making process for the approval or refusal of access to council owned or managed land for the purpose of communication infrastructure facilities.
- 3.3 The City's role as a consent authority is outside of the scope of this policy as the focus is on the City's role as a property owner/manager. There is current legislation that deals with communications infrastructure and specifies when a planning permit is required.

4. DEFINITIONS

Act means the Telecommunications Act 1997.

Active Open Space means any Public Open Space that has been designed for use associated with organised sports or activities.

Asset Manager has the same meaning as defined in the City's Project Management Framework.eg Property, Engineering, Parks and Open Space.

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020*.

Committee means the Public Spaces Committee, being an internal committee formed of representation from the Active and Healthy Lifestyles, Community Partnerships, Engineering, Parks and Open Spaces, Property Services, and Strategic Planning Units.

Council means all of the Councillors collectively.

Non Asset Manager means units not responsible for any specific land assets or service facilities eg Strategic Planning Unit.

Passive Open Space means any Public Open Space that has been designed for use in an unstructured and informal way, including play spaces and shared paths.

Planning Scheme means the *Greater Bendigo Planning Scheme*.

Public Open Space is any open, non-built space managed or owned by the City or another public land manager that is broadly accessible for:

- Community use and activity;
- Aesthetic or place making value;
- The protection of areas of heritage, cultural or ecological value; and
- Utility use such as drainage reserves or flood retention, providing that the space incorporates at least one of the above criteria.

Service Lead has the same meaning as defined in the City's Project Management Framework eg. Active and Healthy Communities, Economic Development, Community Partnerships

5. PRINCIPLES

The following principles underpin this policy:

- 5.1 **Transparency** – the City can demonstrate through the consistent application of the policy that each request has been considered in a fair and equitable manner, demonstrating no favour to any particular provider over another.
- 5.2 **Value for money** – that any final lease or licence issued is based on a commercial valuation of the leased land or base amount of \$10,000 whichever is the greater plus an annual increment of 3%.
- 5.3 **Community benefit** – that the broader community is not disadvantaged by either the approval or refusal of the request in regard to access to services.

6. POLICY

- 6.1 The City will ensure that any communication infrastructure facilities on Council owned or managed land is:
 - 6.1.1 Considered in the context of the broader community benefits of access to services;
 - 6.1.2 Sited or designed to minimise visual impacts as much as practicable;
 - 6.1.3 Does not adversely impact on the potential long-term use of the site;
 - 6.1.4 Does not adversely impact on the utilisation of adjacent sites;
 - 6.1.5 Managed by a legally binding lease between the City and the proponent with all rental income paid direct to the City (Note: user groups are not to enter into leasing arrangement with proponents).
- 6.2 Criteria for consideration of requests:
 - 6.2.1 The extent to which the company has:
 - demonstrated a demand for the facilities
 - has exhausted the possibility of privately owned sites as an option
 - has explored opportunities of co-location with other providers
 - 6.2.2 Consistency with adopted or draft strategies, master plans, studies or like documents
 - 6.2.3 The broader community access to facilities is either improved or maintained.
 - 6.2.4 Limit of impact on existing or future use of the site:
 - timeframes
 - access
 - functionality of the site
 - 6.2.5 Approach to minimising potential adverse impacts on visual amenity in heritage settings.

- 6.2.6 A final agreement applies the best commercial terms in accordance with a valuation of the land to be leased based on the year in which the lease was granted or the date of any subsequent renewals of that lease.

7. ROLES AND RESPONSIBILITIES

7.1 Property Unit:

- 7.1.1 Process owner and administrator of the policy.
- 7.1.2 Confirm land ownership.
- 7.1.3 Seek land ownership approval for crown land.
- 7.1.4 Identify and seek direction from Service Lead in consultation with Asset Manager.
- 7.1.5 Seek advice from Statutory Planning to determine if the proponent will require a planning permit.
- 7.1.6 Seek independent land valuation in accordance with the *Lease and Licence Policy 2022*. (*Note: a land valuation procured by the proponent is not considered to be an independent valuation for the purposes of this policy*)
- 7.1.7 Provide timely progress update and/or final response to proponent including process and timeframe details.
- 7.1.8 If advising of support to proceed to licence agreement, advise proponent of responsibility to provide proof of relevant legislative approvals /planning permits if required prior to signing of a lease agreement.
- 7.1.9 Ensure lease/licence arrangements are legally binding if request proceeds.

7.2 Service Lead:

- 7.2.1 Assess request against Purpose and Principles
- 7.2.2 Have regard for:
- Existing use of land
 - Future use of land
 - Community benefit
 - Opportunity for co-location with existing on-site communication infrastructure
 - Opportunity for co-location with existing or future infrastructure ie flood lights mounted on infrastructure tower
 - Any other matter determined to be relevant to the specifics of the site ie location, elimination of “black spots”.
- 7.2.3 Seek advice from Asset and Operations/Maintenance Manager on any ongoing conditions for the site and agreement as required in line with the functions of the Project Management Framework.
- 7.2.4 Seek additional supporting comments if required from relevant internal units (Non Asset Managers – eg Strategic Planning if in a heritage setting or strategic work under development or in a future work program.

7.2.5 Provide response with supporting argument of rationale for decision to Property Unit.

7.2.6 Provide response to Property Unit within 10 business days

7.3 Asset and Non asset Manager:

7.3.1 Considers proposal against existing strategies, master plans, studies or like documents.

7.3.2 Provide response to Service Lead within five business days.

7.4 Finance Unit:

7.4.1 Ensure annual fees and charges process review includes communication infrastructure facilities.

7.4.2 Issue annual invoice for lease of land.

7.5 Proponent

7.5.1 Address requirements of policy in application form

7.5.2 Cover one off cost of independent land valuation

7.5.3 Ensure all legislative approvals are in place at commencement of lease

7.5.4 Comply with all requirements of lease.

8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Local Government Act 2020
- Crown Land (Reserves) Act 1978
- Planning and Environment Act 1987
- Greater Bendigo Planning Scheme
- Telecommunications Act 1997
- Code of Practice for telecommunications facilities in Victoria
- City of Greater Bendigo Public Space Plan (2019)
- City of Greater Bendigo Health and Wellbeing Plan (2021-2025)
- Council Plan 2021 - 2025
- Fees and Charges 2021 – 2025
- Lease and Licence Policy 2022

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name

of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>31/01/2023</i>	<i>W Fuzzard</i>	<i>Property</i>	<i>New Policy</i>	1	<i>30/01/2026</i>