

# Antennae on Council Facilities Policy

<b>Date first adopted:</b> 23 September 2014	<b>Version: 1</b>  <b>Next review date:</b> August 2019	<b>Status: Adopted</b>
<b>Position Title of Responsible Director:</b>	Director Assets and Facilities	

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## 1 TITLE

Antennae on Council Facilities Policy

## 2 PURPOSE

To regulate the use of Council facilities to host antennae.

## 3 OBJECTIVE

- 3.1 To ensure that Council facilities are fit for and used for their designated Council purposes.
- 3.2 To ensure that secondary use of Council facilities to host antennae:
  - 3.2.1 Does not in any way compromise Council or the designated primary Council use of such facilities; and
  - 3.2.2 does not cause unreasonable visual clutter.
- 3.3 To ensure Council complies with its legislative obligations to permit prescribed antennae on its facilities for commercial purposes prescribed by Government.
- 3.4 To specify the criteria under which community groups may be licenced to use Council facilities to host antennae.

## 4 BACKGROUND

- 4.1 Some of Council's facilities are attractive for use to host antennae owing to the facility's geographical location, elevation and the lack of structures nearby.
- 4.2 Council has a legislative obligation to allow some organisations to locate antennae on its facilities, the most common being telecommunication companies.

## 5 DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Antennae	means any equipment required to be affixed to a structure which is used for the transmission of electronic information and includes without limitation aerials, satellite dishes and associated equipment.
Non-commercial purpose	means use of an antenna by a not-for-profit incorporated community group for a purpose set out in its constituent documents or charter.
Council facility	means a facility, including without limitation buildings and light poles, owned or controlled by Council.
ACMA	means the Australian Communications and Media Authority and anybody that succeeds ACMA or takes over its functions.
CBAA	means the Community Broadcasting Association of Australia.

## **6 POLICY**

6.1 Council does not permit antennae to be located on a Council facility except where:

6.1.1 it is required for a Council purpose; or

6.1.2 it is required by Victorian or Federal Government legislation; or

6.1.3 it involves a non-commercial purpose which complies with the requirements in section 6.2.

6.2 Council may permit a community group to locate, install and manage an antenna on a Council facility where:

6.2.1 the antenna is for a non-commercial purpose; and

6.2.2 there is no practicable alternative location other than a Council facility; and

6.2.3 the community group is based in Glen Eira and/or the proposed use of the antenna would provide, in the opinion of Council, demonstrable benefits to the Glen Eira community; and

6.2.4 the location, installation, management and use of the antenna complies with relevant legislation, standards and codes including the Building Regulations 2006 and the Planning and Environment Act 1987, and, where appropriate, ACMA requirements; and

6.2.5 in the case of use of the antenna for broadcasting, the community group is a member of the CBAA and operates in accordance with CBAA guidelines; and

6.2.6 the antenna does not unduly contribute to visual clutter; and

6.2.7 the antenna does not compromise other uses of the facility; and

6.2.8 the community group meets the cost of supplying, installing, repairing, insuring and maintaining the antenna and associated equipment including all outgoings; and

6.2.9 there is a current licence between the community group and Council relating to the antenna and the community group is acting in compliance with the licence.

6.3 Council reserves the right to terminate or not renew any such use of the Council facility in Council's absolute discretion.

## **7 HUMAN RIGHTS CHARTER COMPATIBILITY**

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

## 8 REFERENCES

*Telecommunications Act 1997*

*Building Regulations 2006*

*Planning and Environment Act 1987*

*The Broadcasting Services Act 1992*

Community Broadcasting Association of Australia, Community Radio Broadcasting Codes of Practice, 2008 (as amended)