



*Dedicated to a better Brisbane*

Office of the Lord Mayor and Chief Executive Officer  
Chief Executive's Office  
Level 23 266 George Street Brisbane Qld 4000  
GPO Box 1434 Brisbane Qld 4001  
T 07 3403 8888 F 07 3334 0043  
[www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au)

31 May 2012

Mr Tony Podbury  
Research Manager  
Productivity Commission  
PO Box 1428  
CANBERRA CITY ACT 2601

Dear Mr Podbury

Thank you for advising Brisbane City Council that the Mobile Carriers Forum (MCF) has mentioned Council in its submission of 25 May 2012 to the Productivity Commission study Business Regulation Benchmarking: Role of Local Government as Regulator.

Council appreciates the opportunity to respond to the following comment made by the MCF in their submission:

*Brisbane City Council – Qld: BCC has established a variable rental regime which is dependent on the town planning status of the development (not the land). The MCF submits that this is inappropriate as the value of the land does not change by virtue of how the DA or exempt activity is assessed by Council as a statutory consent authority. BCC rentals are currently at the \$30-52k p.a, which does not reflect the market rentals for the properties under consideration.*

In response to the comments made by MCF Council offers the following response:

- Development Applications are assessed separately to the leasing of land. Council is required to assess applications for telecommunications towers with reference to the Telecommunications Act 1997 & Telecommunications (Low-impact Facilities) Determination 1997.
- This means that applications for new or upgraded telecommunications towers may or may not require assessment depending on the area classification and intensity of use.
- Towers are often attached to shops, industrial and multi-unit residential dwellings or anywhere that they are required. This usually means some level of assessment is required, given a telecommunications tower is not an automatically approved use for a shop, for example.
- As with any development, Council assesses applications under the provisions of Sustainable Planning Act 2009 and the requirements of City Plan 2000, as well as any other relevant legislation which impacts on the development assessment process.
- Council has formerly advised the MCF in April 2011 that Council does not accept that telecommunications companies have any right to occupy Council land for their facilities without paying reasonable and market value rentals and fees to the owners of these properties. Council considers that its rentals and fees are reasonable and market based, and will not be altering them.

...2/-

- In addition, it is reasonable that Council discriminate between high and low impact facilities in setting of rental and fees, in order to reward telecommunications companies for preferring low impact facilities.

Yours sincerely

Colin Jensen  
**CHIEF EXECUTIVE OFFICER**

Ref: 140/695/583/10