

St George Amateur Radio Society Inc.
PO Box 530
Engadine, NSW, 2233

Contact: Greg Bain
Email: secretary@sgars.org

12 February 2013

Chair
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office, Sydney NSW 1230

Att : Chen Chou

Dear Chen,

**RE: REVIEW OF RENTAL ARRANGEMENTS FOR COMMUNICATION
TOWERS ON CROWN LANDS**

We refer to your correspondence, your reference 11505, dated 13 November 2012, and submit the following comments for your consideration.

Purpose:

IPART has been asked by the NSW Government to review the rental arrangements for communication towers on Crown Land.

Amateur Radio:

Amateur radio is a radio communications hobby enjoyed by some 6,000 enthusiasts across NSW. There are approximately 15,000 radio amateurs in total throughout Australia, and more than two million worldwide.

Radio amateurs are licensed by the Australian Communications and Media Authority (ACMA) under the Radiocommunications Act 1992.

Amateur radio is a hobby that can be conducted as an activity ancillary to domestic habitation and has no permitted commercial capacity.

The peak national organisation overseeing amateur radio in Australia is the Wireless Institute of Australia, which was founded in 1910 and is the oldest amateur radio organisation in the world.

Australian Communications and Media Authority

The Australian Communications and Media Authority describes Amateur Radio as

“The amateur service is designed primarily to facilitate hobby radiocommunications and for technical experimentation and operates on specified frequency bands. Amateur radio operators communicate using transmission modes including, but not limited to, Morse code, telephony and data.

Anyone can listen to the amateur bands using a receiver, but to transmit, operator qualifications and a licence issued by the ACMA are required.

An amateur apparatus licence is issued to authorise a station that:

- is operated for the purposes of self-training in radiocommunications; intercommunication using radiocommunications; and technical investigation into radiocommunications by persons who do so solely with a personal aim, and who have no pecuniary interest in the outcome of the operations of the station;
- is operated on amateur frequencies or amateur frequency bands; and
- may participate in the amateur-satellite service.”¹

St George Amateur Radio Society Inc:

St George Amateur Radio Society Inc (SGARS) is an incorporated non-profit, volunteer community organisation catering specifically to its members who are involved in the hobby of amateur radio. The incorporation number is Y08891-44.

SGARS holds monthly technical meetings which deliver technical lectures as well as social interaction, supplemented by contests, training of new radio operators and other activities.

Community Benefits of Amateur Radio:

Highly trained and dedicated amateur radio operators provide radio communications support to the community during emergencies to government and non-government organisations and for community events.

Additionally, amateur radio provides disciplined and technical training for members and the community at minimal cost through organisations such as the Scouts, who often subsequently extend their radio interests to include other non-amateur avenues such as marine radio, broadcasting, datacasting, scientific uses, radio astronomy, aeronautical applications, military radio training and so on.

Many technical breakthroughs, experimentation/adaptions and refinements which utilise the Radio Frequency spectrum including the fields of WiFi, digital television/radio, computer based packet-radio, single-sideband radio and so on, owe their origins and refinements to the enthusiasm and research and development undertaken by Australian amateur radio licence holders and experimenters.

Rental Arrangements for Communication Towers on Crown Lands:

The Present Situation

At present, SGARS operates a communication facility that was abandoned by commercial television Channel 8 at Orange, some 22 years ago.

SGARS wishes to recognise the importance of the Orange and Districts Amateur Radio Club for their significant contribution to the on-going maintenance of the Mt Bindo site.

Legal Description

Specifically, this site is generally referred to as the "Mt Bindo Facility", and is legally known as being Lot 7006 in deposited Plan 1028726, being subject to a licence no. 410875. The land is known as being within the Location of Hampton, Parish of Bindo, County of Cumberland and the Local Government Area of Lithgow City. It is Property Number 3626459.

Land Area

The area of the land, according to the Notice of Valuation issued by the Valuer General's Office dated 01/07/2010 is 561 square metres.

Registered Proprietor

The First Schedule of Folio 7006/1028726 indicates that the registered proprietor is The State of New South Wales.

Second Schedule

The Second Schedule of Folio 7006/1028726 indicates

1. The land is a reserve within the meaning of Part 5 of the Crown Land Act, 1989 and there are restrictions on transfer and other dealings.
2. Limited Title.
3. The plan defining the land which was prepared for identification purposes is now suitable for title issue.

There are no unregistered dealings on the title.

Zoning

The site appears to be zoned "Rural (General) 1(a)" under the Lithgow local Environmental Plan 1994.

Objectives of the Zoning

Zone No 1 (a) Rural (General)

1 Objective of the zone

The objective of the zone is to promote the proper management and utilisation of natural resources by:

(a) protecting, enhancing and conserving:

- (i) rural land, in particular prime crop and pasture land, in a manner which sustains its efficient and effective agricultural production potential,
- (ii) soil, by controlling and locating development in accordance with soil capability,
- (iii) forests of existing and potential commercial value for timber production,
- (iv) valuable deposits of minerals, coal and extractive materials, by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,
- (v) trees and other vegetation in environmentally sensitive areas, where the conservation of the vegetation is significant for scenic amenity or natural wildlife habitat or is likely to control land degradation,
- (vi) water resources for use in the public interest, preventing the pollution of water supply catchment and major water storages,
- (vii) localities of significance for nature conservation, including places with rare plants, wetlands and significant wildlife habitat, and
- (viii) items of heritage significance,

(b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,

(c) facilitating farm adjustments,

- (d) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services,
- (e) providing land for other non-agricultural purposes, in accordance with the need for that development, and
- (f) providing for the separation of conflicting land uses.

2 Without development consent

Development for the purpose of agriculture (other than intensive livestock keeping establishments or ancillary dwellings); bushfire hazard reduction; forestry (other than ancillary dwellings); home-based child care.

3 Only with development consent

Any development except that permitted without consent or prohibited.

4 Prohibited

Development for the purpose of boarding houses; bulky goods salesrooms or showrooms; commercial premises; home occupation (sex services); motor showrooms; residential units; restricted premises; sex services premises; shops (other than general stores).

Land Value

The land has been assessed as having a Land Value of \$5,600, as at the relevant date, being 01/07/2010.

Council Rates

The Current Council Rates being paid as at 27/07/2012, appear to be \$353.38 per annum which includes Waste Disposal which is not available at the site, being charged at \$86.50 per annum.

Licence Fees

The licence fee levied on the site by the Department of Primary Industry is \$475.20 per annum, as at 01 July 2012, inclusive of GST.

Services Available

There are no services available to this site, including water, sewer, electricity, telephone or gas.

Licence Synopsis - 1990

		Notes
Licensor:	The Minister for Natural Resources	
Licensee:	St George Amateur Radio Society Incorporated	
Described Premises:	LGA : Lithgow Land District : Lithgow County : Westmoreland Parish : Bindo Area : Abt 561 M ²	
Permitted Use:	Television microwave link	
Commencement Date:	11 April 1990	
Initial Rent:	\$70.00 pa	Described in the covering letter dated 16 Oct 1990 as being "The prescribed minimum rent for a Licence is \$70.00 per annum."
Rent Reviews:	Market Rent Review Period : 3 years	
Other Comments:	Improvements nil. Holder to remove on Expiry.	

Licence Synopsis - 2007

		Notes
Minister's Reference:	Head Licence No. 408183 Head Licence Commencement 1 st July 2007 Site Licence No. 410875	
Location of Site		
Parish:	Bindo	
County:	Westmoreland	
LGA:	Lithgow	
Locality:	Hampton	
Deposited Plan:	7006/1028726	
Land Status:	Reserve No. :6784 Reserve Purpose : Public Recreation, Trigonometrical Purposes	
34A Gazette Date:	Date 01 Aug 2008 Additional Purpose: Communications Facilities	
Text Description:	ACMA Id 10492 – Amateur site Mt Bindo	
Rent & Term		
Commencement Date:	1 July 2007	
Terminating Date:	20 years from commencement date of Head Licence	
Initial Rent:	\$376.00	
Market Rent Review Date:	Each period of five (5) years after 1 July 2007	
IPART Density Category:	Medium	
IPART Site Usage Category:	Primary User	
IPART Site User:	Community Based Organisation	

Site Use

The Mt Bindo Facility is operated by St George Amateur Radio Society Inc, a non-profit volunteer community organisation.

The Mt Bindo Facility is operated in accordance with the radio licence issued by ACMA which specifies that it must be operated at no-charge.

Accordingly, the facility is operated by a volunteer, non-profit organisation, solely operating within amateur radio frequency bands which are allocated by ACMA specifically for non-commercial purposes and under a licence issued by ACMA which expressly forbids usage charges or commercial use.

The site provides coverage for amateur radio users across the Sydney basin, Lithgow, the Megalong Valley and to regional areas from the Victorian border to Coffs Harbour and west of Orange.

The site is used for community communication purposes, including training of new operators in the disciplined and technical use of radiocommunications equipment. The site is also used in emergency situations, including bushfire and search and rescue, and has been accessed by organisations such as Search and Rescue, Forests NSW, and the NSW Rural Fire Service in association with licenced amateur radio operators, as well as the specialist emergency broadcast arm of amateur radio known as the national Wireless Institute Civil Emergency Network (WICEN).

Proposal

SGARS are responsible for a significant quantum of costs and fees associated with the Mt Bindo Facility.

Specifically, the annual cost to operate this site to the club approximates (for the year 2012)

Licence Fees	\$475.20
Council Rates and Taxes	\$353.38
ACMA Repeater Licence Fees	\$ 72.00
Total	\$900.58

We are yet to be advised of the assessments for 2013 which are likely to be higher than the above.

In addition to these direct costs, members visit the site twice a year overnight at their own expense for maintenance purposes. Maintenance costs include replacement of high-capacity batteries, fuel for lawn-mowing, as well as repair of capital items. Due to its remote location, this site is particularly prone to attacks by vandals including repeated shot-gun damage to the expensive antennae system, fencing repair, rectification of spray-paint "tagging" and destruction of wind generator equipment.

These costs have stretched the ability of the Club to fund, however it is unlikely that any significant increase in costs, including Licence Fees to occupy the site, could be reasonably absorbed in to the Club's limited finances.

The total membership fees receipts by SGARS for the calendar/financial year of 2012 was \$815.45 and the total income of the club was \$1,440.91 including donations and fund raising events.

SGARS is most concerned that an increase in Licence Fees to occupy the Mt Bindo Facility site could result in the loss of this facility from the Sydney-Country metropolitan linking network.

Conclusion:

Amateur Radio provides significant community benefits during emergencies, in experimentation and is often the first point of contact to young prospective users of the radio frequency spectrum by the provision of disciplined training.

The Mt Bindo facility repeater system is vital to expanding the disciplined and technical reach of radio experimenters, operators and trainers.

Should you require further information, please do not hesitate to contact me.

Yours Faithfully,



Greg Bain
Secretary – St George Amateur Radio Society Inc.

ⁱ http://www.acma.gov.au/WEB/STANDARD/pc=PC_300165