



Information for Communication Organisations Occupying Crown Land

July 2015

Crown Land

Crown land owned by the State of NSW comprises almost half the land area of the State. In NSW, Crown land is administered by the State's land management agencies, NSW Department of Primary Industries - Lands (the Department), Forestry Corporation of NSW (Forests NSW) or NSW Office of Environment and Heritage - National Parks and Wildlife Service (NPWS)

The land managed by the Department is primarily administered under the *Crown Lands Act 1989* and the *Western Lands Act 1901*.

Independent Pricing and Regulatory Tribunal (IPART)

On behalf of the Government's land management agencies, IPART undertook a review of the licensing and rental arrangements that apply to Crown land communication sites in New South Wales. The purpose of the review was to undertake a review of rental arrangements for communications facilities and equipment occupying Crown land, administered by the three land management agencies.

In July 2013 IPART released its final report, titled *Review of Rental Arrangements for Communication Towers on Crown Land* (IPART 2013 Report). A copy of the IPART 2013 report can be found at www.ipart.nsw.gov.au.

In July 2014 the NSW government adopted all 23 recommendations detailed in the IPART 2013 report. The three land management agencies have subsequently been working together to implement the recommendations in a consistent manner.

Management and Licensing of Communication Infrastructure

The Department is responsible for the sustainable and commercial management of Crown land. As an outcome of implementing the recommendations of the IPART 2013 report, a standard rental has been set for each density category location.

At each communication site, the Department licenses both the tower owner and any organisation co-located on the facility as per IPART's recommendations.

Co-located organisations will still be expected to have a separate agreement with the tower owner to use their facility. The co-user rental charged by the Department is separate and in addition to any negotiated rental paid to the tower owner.

How are Communication Sites Licensed?

The Department issues a Head Licence Agreement to organisations occupying Crown land for communication purposes. The Head Licence Agreement details the standard terms and conditions for occupation of a communication site located on Crown land administered by the Department. The same agreement applies for primary users and co-users with certain clauses applying depending on the type of occupation.

The individual sites an organisation occupies will be authorised via a schedule of site appendices attached to the head licence. Rentals and subsequent accounts are generated by the execution of site appendices. To enable greater flexibility with the confirmation of existing sites and as new sites are established individual site appendices can be issued.

Site appendices may have special conditions included that are site specific.

How are Rentals Calculated?

The IPART 2013 report included a recommendation which introduced a standard fee schedule for all sites based on four (4) density location categories. This replaced an existing fee schedule based on nine (9) user categories from the IPART 2005 report.

The single user fee schedule for the 2013/14 financial year is illustrated in Table 1.1. Rent fees are adjusted annually by CPI.

Table 1.1 – Standard rental fees for communication organisations occupying Crown land

Density Location Rental Fees (annual, ex GST)				
Financial Year	Sydney	High	Medium	Low
2013/2014	\$ 32,607	\$ 27,172	\$ 15,095	\$ 7,245

Eligible users may apply for a rebate to offset the rent fee. Further information can be found in the factsheet titled '[Rebate General Information for Communication Facilities on Crown land](#)'.

Table 1.2 Illustrates rebates that may apply to an eligible organisation, if a rebate is granted.

Rebate User Category	Financial Year	Density Location Rebates (annual)			
		Sydney	High	Medium	Low
Community Groups	1/07/2013	\$ 32,163	\$ 26,728	\$ 14,651	\$ 6,801
Budget Funded Sector	1/07/2013	\$ 26,085	\$ 21,738	\$ 12,076	\$ 5,796
Local Service Providers	1/07/2013	\$ -	\$ -	\$ 9,057	\$ 4,347
Telephony Service Providers - Small Country Automatic Exchange (SCAX)	1/07/2013	\$ -	\$ -	\$ -	\$ 4,347

Table 1.2 – User category rebates

IPART Location Categories

The IPART 2013 Report provided definitions of location categories for standard sites, which are shown in the following tables and a summary shown in diagram 1.1.

The IPART definitions for location categories are stated in table 1.3.

Category	Definition
Sydney	<ul style="list-style-type: none"> local council areas in metropolitan Sydney with a population density of greater than 1,800 people per square kilometre (as listed in table 1.4)
High	<ul style="list-style-type: none"> local council areas in metropolitan Sydney with a population density of less than or equal to 1,800 people per square kilometre, greater metropolitan area of the Central Coast, Newcastle and Wollongong
Medium	<ul style="list-style-type: none"> areas within 12.5 kilometre of the centre of the 37 Urban Centres and Localities (UCLs) defined by the Australian Bureau of Statistics (ABS) as having a population of 10,000 or more based on the 2011 census (as listed in table 1.6)
Low	<ul style="list-style-type: none"> rest of NSW.

Table 1.3 – IPART 2013 Report definition of location categories.

The local councils recommended by IPART to comprise the 'Sydney' density location category are shown in Table 1.4.

Sydney Density Location – Local Council Areas	
Ashfield Council	Manly Council
Auburn City Council	Marrickville Council
Bankstown City Council	Mosman Municipal Council
City of Botany Bay Council	North Sydney Council
Burwood Council	Parramatta City Council
City of Canada Bay Council	Randwick City Council
Canterbury City Council	Rockdale City Council
Fairfield City Council	Ryde City Council
Holroyd City Council	Strathfield Municipal Council
Hunter's Hill Council	City of Sydney Council
Hurstville City Council	Waverley Council
Kogarah City Council	Willoughby City Council
Lane Cove Municipal Council	Woollahra Municipal Council
Leichhardt Municipal Council	

Table 1.4 – IPART 2013 Report Sydney location categories

The local Council areas shown in Table 1.5 were recommended in the IPART 2013 Report to comprise the high density location category.

High Density Location Local Council areas	
Blacktown City Council	Liverpool City Council
Camden Council	Newcastle City Council
Campbelltown City Council	Penrith City Council
The Hills Shire Council	Pittwater Council
Gosford City Council	Sutherland Shire Council
Hornsby Shire Council	Warringah Council
Ku-ring-gai Council	Wollongong City Council
Lake Macquarie City Council	Wyong shire Council

Table 1.5 – List of local Council areas comprising the high density location category

Table 1.6 lists 37 UCLs with a population of 10,000 or more, this excludes local Council areas defined in the IPART 2013 report making up the Sydney and high density location categories. Areas within 12.5km of the centre of these 37 UCLs will comprise the medium density location category.

UCL Name	Population
Albury – Wodonga (Albury part)	45,627
Armidale	19,818
Ballina	15,963
Batemans Bay	11,334
Bathurst	31,294
Blue Mountains	28,769
Bowral – Mittagong	28,769
Broken Hill	18,430
Canberra – Queanbeyan (Queanbeyan part)	35,878
Cessnock	20,013
Coffs Harbour	45,580
Dubbo	32,327
Echuca – Moama (combined VIC and NSW)	16,811
Forster – Tuncurry	18,904
Gold Coast – Tweed Heads (Tweed Heads part)	55,553
Goulburn	21,484
Grafton	16,598
Griffith	17,616
Kempsey	10,374
Kiama	12,817
Kurri Kurri – Weston	13,057
Lismore	27,474
Lithgow	11,143
Maitland	67,132
Mildura – Buronga (combined VIC and NSW)	33,432
Muswellbrook	11,042
Nelson Bay – Corlette	11,060

Nowra – Bomaderry	27,988
Orange	34,992
Parkes	10,026
Port Macquarie	41,491
Raymond Terrace	13,217
Singleton	13,961
Tamworth	36,131
Taree	17,820
Ulladulla	12,137
Wagga Wagga	46,913

Table 1.6 – 37 UCLs comprising the medium density location category

Density Location Categories Overview

An overview of the density location categories can be seen in diagram 1.1.

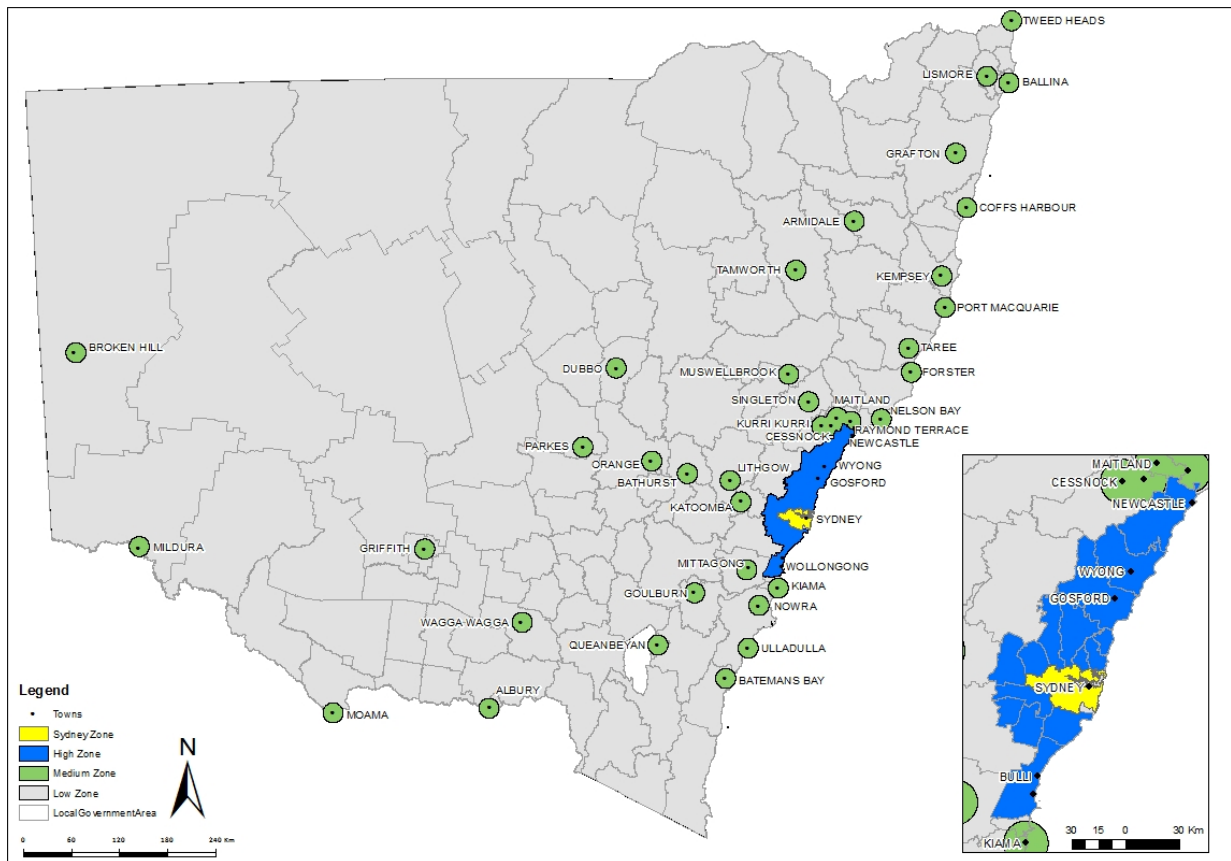


Diagram 1.1 Overview of density location categories

Occupation Categories

The following categories are used to determine rental for site occupants. Each site appendix issued to an organisation will indicate the user category based on the type of occupation for the particular site.

Co-user: means an organisation that pays a fee to a primary user, to situate their communications facilities on a communication tower site. Co-user rentals are calculated at 50% of the rental that would apply if they were occupying the site as a primary user.

Primary user: means an organisation that has an agreement with the Department for access to Crown land to develop communications infrastructure on a site.

Rental Examples

1. For example a tower located within the Gosford Local Government Area (LGA).

The following rentals for the 2013/14 period would apply:

Density Category:	High
Primary user Fee	\$27,172
Co-user Fee	\$13,586

Establishment Charges

The Department's standard licence fee applies to the issue of new site appendices, except where an existing licence agreement with the Department is being migrated to the new arrangement. The fee is currently \$383.60 (inc GST) and is included as part of the initial account. The fee does not apply to the establishment of Head Licence Agreements.

How does the Department Identify Occupation?

The Department uses a range of tools to identify the occupation of communication infrastructure on Crown land including:

- Referencing the Australian Communications and Media Authority (ACMA) database;
- Existing account information;
- Consultation with primary users;
- Consultation with Crown reserve trusts;
- Spatial imagery.

Licence conditions require the primary user of each site to notify the Department who is co-located on their facilities. This information is used to update account information and issue new licences where required.

Account Management

Account rents for the respective financial year are due on 1 July.

On establishment of new site appendices, the Department will generate a site specific account reference number. Your organisation will also be provided with the opportunity to provide your own reference number for each site so that future rental accounts can be readily reconciled against your records.

More Information

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