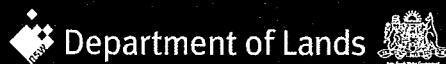


Information for telecommunication organisations occupying Crown land administered by the NSW Department of Lands

Department of Lands
Head office

1 Prince Albert Road
Queens Square
SYDNEY NSW 2000

T 13000 LANDS
61 2 9228 6666
F 61 2 9233 4357



Crown land and the Department of Lands

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, the Department of Lands (Lands), the Department of Primary Industries (Forests NSW) or the Department of Environment and Conservation (National Parks and Wildlife Service).

The land managed by Lands 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 develop a policy framework for delivering a consistent Government approach covering tenure, licensing and rentals for communication tower sites on Crown land administered by Lands, Forests NSW and National Parks and Wildlife Service.

At the conclusion of the review IPART released its report, titled *Review of Rental Arrangements for Crown Land Communication Tower Sites*. A copy of the IPART report can be found at www.ipart.nsw.gov.au.

The Government accepted 27 of the 28 recommendations detailed in the report. The third recommendation was amended to allow greater flexibility in deciding whether a site is deemed of high value and subject to individual negotiation.

The three agencies have subsequently been working together to implement the recommendations in a consistent manner.

How has Lands previously authorised occupation?

In the past, agreements for the occupation of Crown land, controlled by Lands, for communication purposes have been in a variety of forms including permissive occupancies, leases, licenses, enclosure permits and compensatory agreements. In addition companies will also have entered into agreements such as deeds of access with reserve trust entities that have management responsibilities for certain Crown lands on behalf of the Minister for Lands.

Management and licensing of telecommunication infrastructure

Lands is responsible for the sustainable and commercial management of Crown land. As an outcome of implementing the recommendations of the IPART report, Lands has undertaken a significant review of its administrative and licensing approach to better support the industry. The new system will provide a more certain and consistent approach for the communications industry operating on Crown land administered by Lands.

Improvements to our service include:

- a simplified licensing system
- standardised terms for occupation of Crown land
- adoption of the IPART fee schedule, and
- establishment of a dedicated team to better manage industry related enquiries.

In the past land managed by a reserve trust required negotiation of an individual agreement with the particular trust responsible for the direct management of the reserve. Amendments to the *Crown Lands Act 1989* have made it easier for Lands to enter into agreements directly with the industry on land managed by a reserve trust thus providing a single negotiating party for Land's administered sites. Progressively tenures for communication purposes will be directly issued and managed by Lands ensuring a more effective and consistent approach.



At each site the Department will be licensing both the tower owner and any other 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 will communication sites be licensed?

Lands will be issuing each organisation occupying crown land for communication purposes with a 20 year Head Licence Agreement. The Head Licence Agreement details the standard terms and conditions for occupation of a communication site located on Crown land administered by Lands. The same agreement applies for primary users, co-users, infrastructure providers and associated access only purposes 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 executed anytime throughout the life of the head licence.

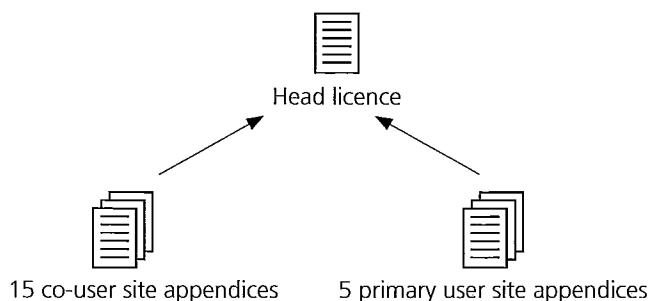
Site appendices may have special conditions included that are site specific. Site appendices can also be issued for access only purposes across Crown land. As new sites are established or the occupation at an existing site changes the schedule of site appendices and account information will be amended accordingly. The termination date of each site appendix is the same as the associated head licence.

Existing agreements will be progressively migrated to the new licensing arrangement as existing tenure provisions allow and the land status and occupation of each site is determined.

This new approach will provide greater flexibility for the industry and enable the Department to better respond to changes in occupation on a site by site basis.

Example of the licensing approach

Teddies Telco Pty Ltd is occupying 20 sites located on land controlled by Lands. At five sites the company is broadcasting from its own tower and the other 15 sites is co-located on another provider's infrastructure. Teddies Telco Pty Ltd will enter into a Head Licence Agreement with Lands that will have 20 site appendices attached.



How are rentals calculated?

Lands is commencing the IPART licensing system from 1 July 2007 for organisations occupying Crown land administered by the Department. If an existing Departmental account for the site is in place it will be related to the new licence account and any surplus funds will be credited to the new account.

The 1 July 2007 commencement date will exclude sites that currently have an existing agreement direct with a Crown reserve trust.

Based on IPART's standard fee schedule, Lands has adopted the following rental table for the calculation of rent for communication sites on Crown land. The rental table commences from the 1 July 2006 with an annual CPI adjustment. Every five years the land management agencies will jointly engage an independent valuer to review the published fee schedule. The first review will take place in 2011 and will be applied at the next rent review period as specified in the Head Licence.

Lands rental table as of 1 July 2006 (\$, annual, ex GST)

User category (example)	High density	Medium density	Low density
Community based organisations and community radio (for example, Salvation Army, local volunteer and rescue associations)	367*	367*	367*
Budget-funded sector (for example, Police, Ambulance, NSW Fire Brigade, TAFE and Universities, local councils)	4,500	3,000	1,500
Government radio broadcasters	6,000	4,000	2,000
Local service providers that provide services in one regional area only 3 (for example, Countrywide Communications, Auzcom, Manning Communications, Fettel)	7,000	5,000	2,500
Government business units and other commercial (for example, Airservices Australia, TransGrid, Country Energy)	10,500	7,000	3,500
Commercial radio broadcasters (for example, 2UE, 2GB)	12,000	8,000	4,000
Government television broadcasters	15,000	10,000	5,000
Telecommunications and data carriers (for example, Telstra, Optus, Vodafone, Hutchison)	22,500	12,500	7,500
Commercial television broadcasters (for example, Channels 7, 9, 10, Prime and WIN)	30,000	20,000	10,000

* *Crowns Land Act 1989* has a prescribed minimum rental.

Community Based Organisations

Under legislation Lands is required to charge a minimum rent for all occupations of Crown land. The prescribed minimum rent will be applied to all community based organisations and community radio occupations.

Location Categories

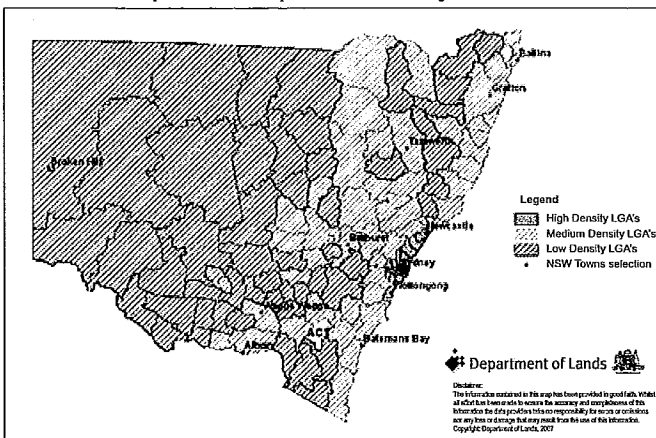
The three agencies have adopted local government boundaries to determine location density. Local government areas best represent the population served by the facility. Densities of local government areas will be redetermined as part of the five yearly reviews of the published schedule. The definitions of location categories in the above rental table are as follows:

High: Local council areas in the inner and outer Sydney area which includes Penrith and Camden local councils but excluding the Blue Mountains. Local council areas of Wollongong, Gosford, Wyong, Newcastle and Lake Macquarie.

Medium: Local Government Areas with a population greater than 10,000.

Low: the rest of NSW.

Map of LGA Population Density for NSW



Occupation Categories

The following are the categories 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 aboveground communications infrastructure on a site.

Infrastructure Provider: means a Primary User who has an agreement with the Department for access to a communication tower site to develop aboveground communication infrastructure but does not broadcast from the site. Rental for infrastructure providers is calculated at 70% of what the highest value co-user would pay as a primary user.

Rental Examples

1. A tower located within the Gosford LGA. The primary user is commercial radio broadcaster. A budget funded sector and a community based organisation are also operating from the site.

The following rentals for the 2006/07 period would apply:

Density Category: High

Commercial radio broadcaster (Primary user) – \$12,000

Budget funded sector (co-user) – \$4,500

Community based organisation (co-user) – \$367

2. An infrastructure provider owns a tower within the Lithgow LGA but is not broadcasting from the site. Co-located on the site are a telecommunication and data carrier and a budget funded sector organisation.

The following rentals for the 2006/07 period would apply:

Density Category: Medium

Infrastructure provider (70% of the Telecommunication and data carrier user charge) – \$8,750

Telecommunication and data carrier (co-user) – \$6,250

Budget funded sector (co-user) – \$1,500

Account management

The new rental system has been established so that all your organisation's accounts will be due annually on 1 July.

Account reference information has also been improved. On establishment of each site appendix 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 issued by Lands can be readily reconciled against your records.

Establishment charges

Lands standard licence establishment fee will apply to the issue of Site Appendices except where an existing licence agreement with the Department is being migrated to the new arrangement. The fee is currently \$383.60 and will be included as part of the initial account. The fee will not apply to the establishment of Head Licence Agreements.

How is Lands identifying occupation?

Lands has used a range of tools to identify the occupation of communication infrastructure on Crown land which includes:

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

Land's licence conditions require the primary user of each site to notify who is co-located on their facilities. This information will be used to update account information and issue new licences where required.

For more information

Lands has established a Telecommunications Project Team located in its Newcastle office to manage the occupation of the communication industry on Crown land. The team can be contacted via:

Post: Telecommunications Project Team
Department of Lands
PO Box 2185
Dangar NSW 2309

Phone: 02 4920 5057

Email: telecommunications@lands.nsw.gov.au

*Tony Pilon
Rept lands*

Dubbo.

**Department of Lands
Head office**

1 Prince Albert Road
Queens Square
SYDNEY NSW 2000

T 13000 LANDS
61 2 9228 6666
F 61 2 9233 4357

© June 2008 NSW Department of Lands (S) P08-061036





L I C E N C E

Lands Office Ref.

Crown Lands Act 1989 - Section 34A

Licence Number

08/6028

408652

MINISTER

The Minister for Lands, being the Minister administering the Crown Lands Act 1989, (hereinafter referred to as the Minister)

grants to

**HOLDER
name & address**

ORANA REGION AMATEUR RADIO CLUB INC
PO Box 1962
DUBBO NSW 2830
(hereinafter referred to as the Holder)

a Licence pursuant to the provisions of Section 34A of the Crown Lands Act 1989 subject to the terms and conditions contained in the following pages and Schedule 1, and any Site Appendix issued.

EXECUTION

Dated this day of 20

THE MINISTER

_____ as delegate of the Minister

_____ name and position

THE HOLDER

In consideration of the grant of this Licence, the Company agrees to be bound by the terms, conditions and provisions of the Licence.

The Common Seal of was affixed in accordance with its articles of association in the presence of (See note below):

Signature of authorised person

Position held

Date

Signature of authorised person

Position held

Date

(Note: To be ruled through if executing this licence without seal - Corporations Law s. 127)

Execution by Power of Attorney

SIGNED on behalf of ORANA REGION AMATEUR RADIO CLUB INC by its duly authorised Attorney under Power of Attorney dated

Registered Book No. .

in the presence of:

Signature of Witness

Signature of Attorney

Print full name of Witness

Print full name of Attorney

TABLE OF CONTENTS

PART 1 - GENERAL CONDITIONS OF LICENCE

1. CROWN LAND
2. PERMITTED USE
3. GRANT OF ADDITIONAL LICENCES
4. FENCING REQUIREMENTS
5. NO LICENCE RIGHTS OR RIGHT TO PURCHASE
6. TERM OF LICENCE
7. REVOCATION AND TERMINATION

PART 2 - RIGHTS OF OTHER OCCUPIERS

8. OCCUPATION BY UNLICENSED OCCUPANTS

PART 3 - HOLDER'S RENT AND OUTGOINGS

9. PAYMENT OF RENT
10. CONTINUING OBLIGATION
11. NO REDUCTION IN RENT
12. HOLDER TO PAY RATES AND OTHER CHARGES
13. HOLDER TO PAY COST OF WORK
14. COSTS OF THE MINISTER
15. INTEREST ON OVERDUE MONEY
16. MANNER OF PAYMENT OF RENT AND OTHER MONEYS

PART 4 - OBLIGATIONS AND RESTRICTIONS RELATING TO SITE

17. ACCESS
18. MAINTENANCE OF SITE
19. HOLDER TO ERECT BARRICADES ETC
20. NO RESIDENCE ON SITE
21. HOLDER NOT TO REMOVE MATERIALS
22. ADVERTISING AND SIGNS
23. NOTIFICATION OF ACCIDENT
24. RODENTS AND VERMIN
25. HOLDER TO ERADICATE NOXIOUS PLANTS ANIMALS ETC

PAI
8.
PART
9.
10.
11.
12.
13.
14. C
IN
MA
1 - OB
ACQ
MAIN
HOLD
O.P.

**HOLD
name**

EXEC

THE M

THE H

- 26. HOLDER NOT TO BURN OFF
 - 27. HOLDER NOT TO COMMIT NUISANCE ETC
 - 28. HAZARDOUS SUBSTANCES
 - 29. NO BREACH BY PERMITTED USE
 - 30. ARTEFACTS AND RELICS
 - 31. TRIGONOMETRICAL STATIONS
 - 32. COMPLIANCE WITH LEGISLATION AND STANDARDS
 - 33. TIME TO BE OF THE ESSENCE
- PART 5 - IMPROVEMENTS AND PLANT
- 34. OWNERSHIP AND REMOVAL OF FACILITIES
 - 35. MINISTER'S RIGHT TO ENTER INSPECT AND REPAIR
- PART 6 - INDEMNITIES AND INSURANCE
- 36. INDEMNITIES
 - 37. INDEMNITY FOR NON-COMPLIANCE WITH LEGISLATION
 - 38. INSURANCE - PUBLIC RISK
 - 39. INSURANCE - WORKERS COMPENSATION
 - 40. PROPERTY DAMAGE AND SPECIAL INSURANCES
 - 41. PROVISIONS RE POLICIES
 - 42. NO LIABILITY FOR FAILURE OF SERVICES

- 52. NO MORATORIUM
- 53. SHARED FACILITIES

PART 10 - GENERAL

- 54. CONSTRUCTION
- 55. SEVERABILITY
- 56. NO WAIVER
- 57. NOTICES
- 58. PROCEDURE - DISPUTE RESOLUTION
- 59. CONTACT PERSON
- 60. APPLICABLE LAW
- 61. NO HOLDING OUT
- 62. WHOLE AGREEMENT
- 63. SITE APPENDICES
- 64. DEFINITIONS

SCHEDULE 1

PART 4

17.

18.

19.

HOL
nan

E
T

PAI

36

37

38.

39.

40.

41.

42.

7 - A

M

CO

MA