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Regulation Review – Local Government Compliance and Enforcement
Independent Pricing and Regulatory Tribunal
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SUBMISSION TO THE IPART REGULATION REVIEW

Purpose:

The Wireless Institute of Australia (WIA) wishes to comment on Question 1 on Page 20 of the Issues Paper:

- 1/ Local Approvals Policies (LAPs) can be used to provide exemptions from requiring approvals under the Local Government Act 1993. Should LAPs be used to provide more exemptions to reduce red tape?

The simple answer is yes. Specifically, the WIA proposes that radio masts, antennas or aerials for use by **licensed radio amateurs** be exempt from requiring approvals if they meet, or are within, the following parameters:

A/ A ground mounted radio mast or antenna of up to ten metres (10m) height be exempt from requiring approval, or if attached to a building, that the mast can extend up to five metres (5m) above the highest point of the roof line;

B/ Above ten metres (10m), masts of up to fifteen metres (15m) height be exempt from requiring approval, providing they are installed to meet Australian Standard AS1170; and

C/ More than one radio mast or antenna may be erected on a licensed radio amateur's domestic property. In reality, there are practical as well as technical limits that constrain the number of radio mast and antenna erections on a domestic property. Radio amateurs need flexibility to pursue their interests.

Background:

Amateur radio is a radio communications hobby enjoyed by some 6000 enthusiasts across NSW. There are approximately 15,000 radio amateurs in total throughout Australia and approaching three million worldwide.

Radio amateurs are people from all walks of life interested in communicating with other licensed radio amateurs, and in experimenting with and learning about modern technologies involved in the burgeoning fields of information and communications – ordinary people with more than ordinary interests.

Amateur radio is a growing hobby that is conducted as an activity ancillary to domestic habitation.

Radio amateurs are licensed by the Australian Communications and Media Authority (ACMA) under the *Radiocommunications Act 1992*, after passing stringent examinations in prescribed technical and regulatory subjects. The Act provides radio amateurs access to narrow frequency bands throughout the radio frequency spectrum, so that they can pursue their particular interests. For many radio amateurs, their interest has led to careers in engineering, IT, science and telecommunications.

The WIA (wia.org.au), founded in NSW in 1910, is the national organisation representing the collective interests of Australian amateur radio operators. Some 38 local and regional amateur radio clubs and societies in NSW are affiliated with the WIA, including the state-based organisation, Amateur Radio NSW (www.arnsw.org.au). A key role of the WIA is providing training and licence assessment services for people interested in obtaining their amateur licence.

Amateur radio operators provide radio communications support to the community during emergencies, to non-government organisations and for community events.

In times of crisis and natural disasters, amateur radio is often used as a means of emergency communication when landline phone, mobile cellphones and other conventional means of communications fail. Amateur radio operators are dispersed throughout the community and are not dependent on infrastructure that can fail or be overloaded, such as mobile cellphone base sites or terrestrial satellite communication facilities.

Recent instances of radio amateur support during natural disasters in Australia include the Queensland floods in January 2011 and the Victorian Black Saturday bushfires of 2009 (www.wia.org.au/members/emcom/about/).

The Present Situation:

Regulation of radio masts, antennas or aerials is not uniform across councils in NSW.

Some council Development Control Plans specify heights and locations for radio masts that are exempt from planning permits, but these are generally very restrictive, especially when compared to exempt development regulations applying in other states.

Development Control Plans of some councils require formal applications and permits for radio masts, which mean unnecessary time and expense for the radio amateur where their requirements could be met under a uniform Local Approvals Policy.

NSW has already embraced a wide range of exempt developments under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP 2008), including aviaries, carports, decks, flagpoles, garden sheds and pergolas. While SEPP 2008 provides for aerials and antennae under Subdivision 2, the provision is wholly inappropriate for amateur radio and the current Planning System Review has not considered amateur radio antenna masts in this context.

Other states have made provisions for amateur radio operators under development regulations, such as Victoria and South Australia. The *South Australian Development Regulations 2008*, under Schedule 3, covering “acts and activities which are not development” – Section 12, Aerials, towers etc – sets out the exemption applying to prescribed infrastructure for “a person who holds an amateur licence under the Radiocommunications Act 1992 of the Commonwealth, 10 metres.”

The relevant section of the *South Australian Development Regulations 2008* is attached as [Appendix A](#).

Conclusion:

The WIA welcomes this opportunity to make a submission to the NSW IPART *Regulation Review – Local government compliance and enforcement*. We are hopeful of achieving a positive change to help today’s licensed radio amateurs, and future radio amateurs, of NSW to pursue their interests without unnecessary hindrance.

The adoption of the WIA’s proposals would reduce the amount of council work that would otherwise be spent on development applications.

APPENDIX 1

At: http://www.austlii.edu.au/au/legis/sa/num_reg/dr2008233o2008296/sch3.html

DEVELOPMENT REGULATIONS 2008 (NO 233 OF 2008) - SCHEDULE 3

Schedule 3—Acts and activities which are not development

A1—Application of Schedule 3

The following acts or activities are excluded from the definition of **development** (other than in respect of a State heritage place, or as otherwise indicated below).

12—Aerials, towers etc

- (1) Other than in respect of a local heritage place or in the Hills Face Zone, the construction, alteration or extension of prescribed infrastructure (including any incidental excavation or filling) if—
- (a) the total height of the prescribed infrastructure, when constructed, altered or extended, will not exceed (taking into account attachments (if any))—
- (i) in the case of prescribed infrastructure not attached to a building—
- (A) in Metropolitan Adelaide—7.5 metres or, in the case of prescribed infrastructure to be used solely by a person who holds an amateur licence under the Radiocommunications Act 1992 of the Commonwealth, 10 metres;
- (B) in any other case—10 metres;
- (ii) in the case of prescribed infrastructure attached to a building—
- (A) in a residential zone in Metropolitan Adelaide—2 metres;
- (B) in any other case—4 metres,
- above the topmost point of attachment to the building, disregarding any attachment by guy wires; and
- (b) in the case of prescribed infrastructure that is or incorporates, or has as an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish will not exceed—
- (i) in a residential zone, or in a Historic (Conservation) Zone or a Historic (Conservation) Policy Area under the relevant Development Plan—1.2 metres;
- (ii) in any other case—2.4 metres.