



## WIRELESS INSTITUTE OF AUSTRALIA

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8 November 2012

NSW Planning System Review  
GPO Box 39  
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### FURTHER SUBMISSION TO THE NSW PLANNING SYSTEM REVIEW

The Wireless Institute of Australia (WIA) has already made two submissions to the NSW Planning System Review; first to the Listening & Scoping Phase in November 2011, and second, in response to the Issues Paper, in March 2012.

This submission responds to the Draft Policies and Plans, *Proposed changes to Statewide streamlined approvals code*, on exhibition over 12 October to 9 November 2012.

The WIA is disappointed that the issue of streamlined approvals or exemptions for radio masts, antennas or aerials for licensed radio amateurs in NSW has not been considered. NSW Planning & Infrastructure is promoting "The New Planning System for NSW" on the website as follows:

The NSW Government is creating a planning system for the 21st century. A planning system focussed on the public interest. A planning system that places people and their choices at the heart of planning decisions about their future.

The WIA respectfully points out that licensed radio amateurs are people who choose to pursue their radio communications interests through committing to gaining and maintaining a Commonwealth licence.

It is notable that many radio amateurs and amateur radio organisations lodged submissions to the first phase of the Planning System Review, supporting the principles proposed and advocated by the WIA.

It has also come to our attention that NSW Planning & Infrastructure apparently has a policy to exclude consideration of this issue. In the article published in the Sydney Morning Herald on 31 October 2012, titled **Amateur radio buffs battle to get messages through council red tape**, a department spokesman told the journalist that: *no change to amateur radio aerial regulation was proposed, and that "allowing higher aerials without a detailed development application process could cause unacceptable streetscape and neighbourhood safety issues"*.

This policy is clearly not in keeping with the mission statement on the department's website. Accordingly, the WIA reiterates its original proposal in the hope of due consideration in the context of the NSW Planning System Review.

#### **The WIA Proposal:**

The Wireless Institute of Australia (WIA) proposes that radio masts, antennas or aerials for use by **licensed radio amateurs** be classified under exempt or complying development.

**Background:**

Amateur radio is a radio communications hobby enjoyed by some 5000 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 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 residential 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, science, IT and telecommunications.

The WIA ([wia.org.au](http://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](http://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/](http://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 means unnecessary time and expense for the radio amateur where their requirements could be met under a reasonable exempt or complying development regulation.

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.

**Proposed Provisions:**

The WIA proposes the following:

A/ A ground mounted radio mast or antenna of up to ten metres (10m) height be an exempt development, or if attached to a building, that the mast can extend up to five metres (5m) above the roof line.

**B/** Above ten metres (10m), masts of up to fifteen metres (15m) should only require a simplified (complying) permit, based on given standards (eg. AS1170), without the necessity for a development application to be lodged with a local council. A private or council certifier would provide a complying development certificate (which provides approval and a construction certificate, as per SEPP 2008).

**C/** That it needs to be accepted that 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 on amateur radio frequency bands anywhere across the radiofrequency spectrum.

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 1](#).

**Conclusion:**

The WIA welcomes this opportunity to make a submission to the NSW Planning Review. We are hopeful of achieving a positive change to help the licensed radio amateurs of NSW pursue their interests without unnecessary hindrance.

The adoption of the WIA's proposals would reduce the amount and cost of council work that would otherwise be spent on what amounts to minor development applications.

# APPENDIX 1

At: [http://www.austlii.edu.au/au/legis/sa/num\\_reg/dr2008233o2008296/sch3.html](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.