

## TERMS OF REFERENCE

### REVIEW OF RENTS FOR COMMUNICATION SITES ON CERTAIN LANDS OF THE CROWN

I, Stephen Kamper, Minister for Lands and Property, with the approval of the Premier, have entered an arrangement for the provision of services by the Independent Pricing and Regulatory Tribunal (the Tribunal) under section 9 of the *Independent Pricing and Regulatory Tribunal Act 1992*.

The Tribunal is to review the rents for communication sites on lands administered under the *Crown Land Management Act 2016*, the *National Parks and Wildlife Act 1974* and the *Forestry Act 2012*.

The Tribunal's report on the review is to recommend a fee schedule which:

- is simple and able to be easily implemented by the responsible land management agencies, and
- results in a dollars per site charge that varies by location.

In recommending this fee schedule, the Tribunal is to have regard to:

- a) updating current rents to reflect fair, market-based commercial returns
- b) recent and representative market rentals agreed for comparable communication sites drawing on a statistically significant sample size (taking all reasonable steps to use a minimum of 500 data points) reflective of different site conditions and representative locations across the State
- c) requirements and objectives under relevant state and federal legislation, and under any relevant state strategic plans and policies, and
- d) consultations with key stakeholders including the responsible land management agencies and communication tenure holders.

For the avoidance of doubt:

- the definition of communication sites includes communication towers, communication facilities (such as antennas and shelters) and communication equipment co-located on other structures
- comparable communication sites are those where rents have not been discounted in return for some community or other benefit, and
- reviewing rebates provided in respect of communications sites is outside the scope of the review referred to the Tribunal (the NSW Government will consider appropriate concessions balancing the benefits that the revenues collected via rents support and the need for digital connectivity in rural and regional areas).

The Tribunal is to provide the final report to the Minister for Lands and Property within nine months of receiving these final terms of reference.

  
The Hon. Stephen Kamper MP  
Minister for Lands and Property

12/12/23