

27 August 2018

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Division of Energy, Water, and Portfolio Strategy
Department of Planning & Environment
Level 11, 323 Castlereagh St
Sydney NSW 2001

Submitted via email to energy@planning.nsw.gov.au

Dear David,

RE: Campbelltown City Council comments on Draft NSW Public Lighting Code

Thank you for including me in deliberations of the Public Lighting Forum and for the opportunity to provide comment on the draft NSW Public Lighting Code (18 May 2018) and the associated NSW Public Lighting Code Consultation Paper for Updated Code.

Campbelltown City Council strongly welcomes the Department's efforts to reform the Public Lighting Code including its proposal to make the Code mandatory. Council shares the view of many other NSW councils that there is currently no clear governance framework for public lighting in NSW.

Public lighting is a vital community service that councils are responsible for providing as the local authority and as the road authority. There should therefore be a regulatory framework that empowers councils to effectively discharge these responsibilities including with respect to decisions about service levels and technology.

Council endorses the consolidated submission made by SSROC to the Department of and makes the following additional comments in the context of the rapid development forecast for our region over the coming years:

- 1. Concern over liabilities arising for council from the 'gifting' of lighting assets**
When new street lighting is installed by developers, RMS or a council and gifted to Endeavour Energy, councils become liable for residual values assigned by Endeavour Energy to those gifted assets. With the rapid development forecast for our region over the coming years, this has millions of dollars of implications for our council and for neighbouring councils.

The liabilities incurred in 'gifting' are also an additional financial hurdle in the consideration in accelerated LED replacement programs currently under consideration. Council does not believe that it should be compelled to 'gift' either new or replacement lighting assets to Endeavour Energy, particularly as the company is now under majority private ownership.

2. Need for public lighting contestability and clear access arrangements

Further to the above point, council believes that the Code (or another government instrument as appropriate) should allow for a contestable alternative to the monopoly provision of public lighting services by the electricity distributors. Councils, as both the local authority and road authority, should be empowered to make decisions about both the provision of lighting maintenance services and the adoption and widespread deployment of new LED lighting, smart controls and smart city devices. This is particularly important at a time of rapid technological change when both widespread replacement of legacy lighting is needed and as our area rapidly expands.

To be able to reasonably discharge our responsibilities to deliver a vital public lighting service, councils should be able to access the distribution poles to install and maintain such devices on fair and reasonable terms so long as councils use appropriately qualified personnel to carry out this work to safety standards as set by the Department for electrical works.

Council notes with interest the precedent set by arrangements in New Zealand where councils own all the street lighting, including those on utility distribution poles, have access rights to the poles and are deploying LEDs and smart controls much more rapidly than in Australia. Council also notes that the IPWEA, in its Street Lighting & Smart Controls Programme work for the Commonwealth, has identified precedent for similar regulatory reform in the New England states of the United States where municipalities are able to take back ownership of the lighting assets and are now actively replacing legacy lighting with LEDs and smart controls.

While this submission is made on behalf of Campbelltown City Council, the topic is on the agenda for a forthcoming with MACROC. MACROC is the association of the three local government authorities in the Macarthur region – Camden Council, Campbelltown City Council & Wollondilly Shire Council. We will revert to the Department with any agreed position of the group after that meeting.

If you would like to discuss these comments further, please do not hesitate to call me on 4645 4637.

Yours sincerely,



Wayne Rylands
Director City Delivery

Cc: Katharine Hole, Executive Director, Energy Strategy, Department of Planning and Environment