

Ref: N05

8 June 2018

David Moore
Policy Officer, Energy Strategy
Division of Energy, Water, and Portfolio Strategy
NSW Planning and Environment
GPO Box 39, Sydney NSW 2001

Re: Feedback on the Draft NSW Public Lighting Code

Dear Mr Moore,

I am writing you on behalf of the Western Sydney Regional Organisation of Councils (WSROC Ltd). WSROC represents eight councils in Western Sydney on issues which are crucial for Western Sydney's growing population.

WSROC thanks the Department for the opportunity to provide feedback on the draft updated NSW Public Code. WSROC acknowledges that an updated Public Lighting Code is desperately needed, and we are pleased to see that the proposed Code will be mandatory and includes minimum service levels. This will assist councils in their role to provide safe and reliable public lighting to their communities.

WSROC supports all the feedback and recommendations as put forward in the SSROC submission which was prepared through close collaboration with the other customer committee members including councils, ROCs, LGNSW and RMS.

In brief, our response to the questions posed in the discussion paper is as follows:

Question	Response
<p>1. Which of the below options for customer involvement in selecting luminaires for the Standard Luminaire List do you support and why? Alternatively, would you prefer a different approach to selecting luminaires and why?</p> <p>a. Service Provider must consult with Customer's (or Customer representatives) on changes to the Standard Luminaire List.</p> <p>b. Service Provider and Customer (or Customer representative) must agree on the technical specifications used for changes to the Standard Luminaire List.</p> <p>c. Service Provider and Customer (or Customer representative) must agree on changes to the Standard Luminaire List"</p>	<p>As the responsible road management authorities, councils and RMS should have the ultimate say on technology choice. Technology choice from a customer's point of view is not necessarily based on costs alone, but can include social benefits (smart technology, safety aspects, energy savings, etc).</p> <p>WSROC therefore strongly argues that the customer's involvement in technology choice should be for both options b and c as outlined in the question.</p>

<p>2. How should service standards be defined – in terms of average times for repair or maximum times for repair?</p>	<p>WSROC believes maximum repair times provide the most appropriate model to incentivise the repair of difficult faults. This is also consistent with other jurisdictions.</p>
<p>3. What are the costs and benefits of changing from the current Code’s average day target for repairs to a target based on the maximum number of days to repair?</p>	<p>The current model does not provide sufficient enough incentive for DNSPs to timely repair difficult faults or individual jobs. Consistent with other customers, WSROC believes that the Code should include penalties at multiple times the cost of the service not provided. Penalties should further be recurrent to provide an on-going incentive to complete repairs when the first target is missed.</p>
<p>4. What are reasonable times for the repair of light faults, including for the repair of lights faults associated with higher road safety risks?</p>	<ul style="list-style-type: none"> • General faults WSROC supports a repair time of 10 business days (in order to accommodate both urban and rural areas). However, we note that it is longer than in other jurisdictions. • Underground faults, or faults requiring a site-specific Road Occupancy Licence WSROC support’s RMS’ proposal for 20 business days maximum repair time for underground supply faults.
<p>5. Can the framework for minimum service standards be structured in a way that prioritises the repair of faults associated with higher road safety risks?</p>	<p>See response to question 4 (underground faults and those requiring a site-specific Road Occupancy Licence)</p>
<p>6. What is an appropriate level of compensation for failure to comply with the minimum service standards for fault repair?</p>	<p>Based on penalties currently used in other jurisdictions, WSROC believes the following penalty approach for non-compliance with Code is reasonable:</p> <ul style="list-style-type: none"> • Penalty of \$25 • To be recurrent every 20 business days after the first payment becomes payable.
<p>7. Should the system for compensation involve a one-off credit, a recurrent system of compensation, or a sliding scale linked to the time for repairs? Please give reasons for your view.</p>	<p>WSROC believes a recurring system of compensation should be put in place in order to provide due incentive for timely repairs. See also response to question 6.</p>

We further request that the Department consider the following additional issues:

- **Clearly outline roles and responsibilities**
The Code should clearly recognise the role of councils and Roads and Maritime Services as the two principle road management authorities. In section 2 of the Code WSROC would recommend differentiating between the role of the “Roads Management Authority” and the “Service Provider”.

The Service Providers' role is to maintain the lighting levels to the original design intent – which is set by the Roads Management Authority. The Service Provider's role is also to cover relevant safety requirements and mitigating network impacts as per relevant standards. All of this using a lowest overall cost of ownership approach whilst balancing/maximising community benefit from the street lighting service.

Further noting the Roads Management Authority should be able to choose that the service includes smart controls or other outcomes for community benefit and then the Service Provider is required to maintain these and pass the cost onto these customers.

- **Smart cities and smart control technology**

WSROC strongly advocates for contestability and smart city issues to be addressed as part of the new Code. This includes the need to clarify rights of access to poles for Road Management Authorities wishing to install their own lighting or smart city devices and the retention of operational decision making and ownership of the relevant smart city data by the Road Management Authorities.

We further suggest that the Code would benefit from inclusion of proposed governance arrangements for smart lighting infrastructure. WSROC advocates for a collaborative approach to mapping out appropriate governance structures based on the collective drive to improve the lighting system for the benefit of the NSW community. Such an approach should seek to minimise over-investment (e.g. multiple systems) and maximises fit for purpose and appropriately leveraging third party investment in infrastructure from other areas of state and federal government and the private sector.

- **Non-contestable minor capital works to be extended if preferred by customer**

Non-contestable Minor Capital Works should be extended to ten luminaires and columns where no existing distribution poles exist if a customer prefers. Should a customer prefer a contestable approach, this should be an option available to them and the choice of contestable or non-contestable be at the customers discretion.

If you require any further information or clarification, please contact the WSROC office on 02 9671 4333.

Yours faithfully,

A handwritten signature in blue ink that reads "Charles".

Charles Casuscelli
WSROC CEO