

Dear Sir / Madam

Council's Development Officer has reviewed the drafted amended telecommunication fibre ready exemption criteria for new real estate developments, and provided the following comments:

The proposed revised exemption criteria as indicated below is a more tailored approach within a good regulatory flexibility.

1. No part of the project area of the development is located inside the fixed-line SIP network region of a relevant SIP
2. A relevant SIP has provided written notice to the developer that it will not install a fixed-line network inside the project area
3. No underground utility infrastructure (electricity, gas, mains water, and sewerage) is installed or planned to be installed in proximity to each building lot situated in the project area
4. The average lot size in the development must be 1,000m² or greater
5. There is no kerb or channelling constructed or planned to be constructed in proximity to each building lot situated in the project area.

Council does not have any objection to the proposed exemption criteria 1-5 being adopted.

Regarding - Criterion 6

6. NBN Co or another SIP will not take ownership of the pit and pipe.

Council believes that Criterion 6 gives NBN Co/SIPs too much discretion. The relevance test between taking the ownership of the pit/pipe and an exemption criteria for providing the pit/pipe will need to be investigated further prior to Council accepting this condition.

In addition, the ultimate ownership of the pit and pipe (eg. in Council verge area) is not clear, if NBN Co or another SIP will not take ownership of the pit and pipe. The responsibility of on-going maintenance/repair for the pit and pipe is not clear. The potential liability for injuries caused by unmaintained/broken pit and pipe needs to be clarified. Council believes it is better for NBN Co to continuously take ownership of non-standardized pit and pipe based on purely commercial processes.

The below alternative proposal is more likely to overly regulate development based on some disputable numerical criteria and additional information.

- not allowing an exemption for a new development within 1,000 metres of the fixed line footprint of NBN Co or another SIP – this would be on the basis such developments would more likely receive fixed line infrastructure in the foreseeable future and aligns with working assumptions in the TIND Policy;
It can be a cost prohibitive to a development in rural areas. The assessment for possibility of receiving fixed line infrastructure is more reasonable to be included in the proposed exemption criteria 1 and 2.
- not allowing an exemption for a new development within a strategic growth area – again on the basis such developments would be more likely to receive fixed line infrastructure in the foreseeable future; and Consultation Paper 7 Purpose.

Despite different definitions to a strategic growth area in different local government areas, the strategic planning information may be very limited in regional Councils. Relying on additional information from local governments is not necessary.

- not allowing an exemption where a development had more than a specified number of lots or units – e.g. more than 50 or 100 lots or units.

It is possible to place a large-scale development in a very rural area. It is their best interest to use fixed wireless or satellite service, especially considering recent satellite services, such as Starlink, become much more reliable and affordable.

Please let me know if you need any further discussion or clarification on Council's comments in relation to this matter.

Regards



[Redacted]

Assets and Infrastructure Planning Manager

Infrastructure Services, Lithgow City Council

[Redacted]

[Redacted]

w: council.lithgow.com

PO Box 19, 180 Mort St, Lithgow, NSW, 2790

