



Reference:
Contact: Therese Manns

20 June 2012

Performance Benchmarking Australian Business Regulation
Productivity Commission
PO Box 1428
Canberra City ACT 2601

Also submitted by Email to: localgov@pc.gov.au

Dear Sir/Madam,

Re: Submission – Business Regulation Benchmarking: Role of Local Government

I am writing to respond to the submission made by Mobile Carriers Forum (MCF) to the abovementioned productivity review.

In their submission, MCF named Boorowa Council as a Local Government Authority with whom they have had issues.

Specifically their issue is in regards to capital works and maintenance contributions for access to a proposed telecommunications site.

As the Commission would be aware, Councils are struggling to meet the cost of maintaining and renewing existing infrastructure. In assessing any form of development, Councils must ensure that no additional burden is placed on this continually expanding infrastructure gap.

Council must also ensure in approving an application that safe access to the site is provided. This is a condition regardless of whether the development is a mobile phone tower, residential premises, business etc.

It is considered reasonable that developers including mobile phone carriers be requested to pay for works required to ensure access to their proposed site is safe and accessible. In the instance that is reported in the MCF submission, Boorowa Council did resolve to waive this cost and have ratepayers fund the upgrade given the importance of improved telecommunications to our community.

That said, whilst this waiver of costs may have assisted the telecommunications provider with the cost of their project, by utilising Council funding for this project, maintenance on other Council roads to the same value would have had to be forgone.

As you would appreciate, roads, particularly where located on hills are not only impaired on an annual basis by traffic movement as implied by MCF, but are mostly impacted by the effects of weather conditions. The access track discussed in the submission is used by five organisations; hence the request for 1/5 of the annual maintenance costs.

Once again, this annual contribution was requested to fund maintenance and ensure access for the mobile carrier. Council currently has an approximate \$600K shortfall in funding for sealed roads and a hierarchy of unsealed roads which included a long list of roads that Council is unable to fund annual maintenance for. Without a contribution to annual maintenance, this access track was more likely to become unsafe and inaccessible given the current funding constraints.

Council does have a responsibility to act in the best interests of its ratepayers and with competing demands on funding, must be given the ability to make such requests in a consistent manner across all forms of development. Applications for exemption should be considered in a transparent manner taking into consideration the overall short and long term impacts on available resources.

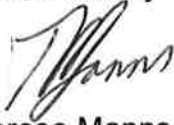
Obviously mobile phone coverage in remote and rural areas is of significant importance, and as noted in the MCF submission, conditions were overturned in support of this importance. Due to staffing shortages, this decision was made by Council two months after the request had been received, whilst this is not desirable, it is not considered excessive enough to warrant abandonment of the project. Boorowa Council would, has and will continue to encourage the development of a mobile phone tower on this site.

The last correspondence received in relation to this project advised that **the decision to change the location of the proposed site from Mount Darling to the Lachlan Valley Way was made by the telecommunications company as a result of the property becoming subject to a Native Title and Aboriginal Lands Claim** and the consultants of the telecommunications company stated that the nature of these claims is long and arduous and no progress was able to be made with the site until the claim was finalized, and no timeframe was able to be given regarding the resolution of claims.

I trust this submission answers any queries raised in relation to the unfortunate position many Councils across the country have to consider in relation to funding, sustainability and private contributions to infrastructure.

If you have any queries in relation to this submission, please do not hesitate to contact me.

Yours faithfully



Therese Manns
General Manager