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20 April 2016

Mr Rob Hansen
Research Director
Agriculture and Environment Committee
Queensland Parliament
(Via email: vminquiry@parliament.qld.gov.au)

Dear Mr Hansen,

Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

Thank you for the opportunity to provide comments on the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 (**the Bill**) currently available for review and comment. This submission is made on behalf of Ergon Energy Corporation Limited ACN 087 646 062 (**Ergon Energy**).

Ergon Energy is a Queensland Government-owned corporation and supplies electricity to approximately 700,000 customers. Our electricity network extends across 97% of Queensland ranging from rapidly growing coastal and rural communities to remote outback and island communities. Our network is recognised in the State Planning Policy as driving the economy and providing essential services and facilities to these communities at reasonable cost to our customers. An essential part of providing this essential service is the management of vegetation for the safe and reliable construction and operation of electrical infrastructure.

Ergon Energy supports the Queensland Government's commitment to responsible vegetation management laws and provides the following submission for the Agriculture and Environment Committee's consideration.

Submission

Ergon Energy is currently discussing vegetation clearing requirements, under the draft Planning Regulation 2016, with the Department of Infrastructure, Local Government and Planning. These discussions are focused on whether clearing of vegetation undertaken by an electricity entity for electrical infrastructure should be considered assessable development. Ergon Energy's preferred approach is that this type of development, for providing essential community electricity development, should not be considered assessable development where there is a low impact to the environment. However, should this outcome not be achieved Ergon Energy submits the following for consideration.

The Bill, in its current form, will in some circumstances impact upon Ergon Energy's ability to provide essential services to communities within a reasonable time and at a reasonable cost. The additional cost to comply will be passed to customers for what may be very minor clearing. The proposed amendments may also impact on Ergon Energy's ability to meet its commitments to customers and our shareholding minister with regards to connections within 140 days from acceptance.

Ergon Energy requests further consideration is given to the following:

1. Self-assessable codes

The Bill reinstates the protection of high-value regrowth vegetation on freehold and aboriginal land, and in particular in watercourses. Clearing of high-value regrowth in these areas will be permitted, in some circumstances, under exemptions provided in schedule 24 of the *Sustainable Planning Regulation 2009*

(SPR). Schedule 24 of the SPR allows for clearing under a relevant self-assessable code, for example: *Managing category C regrowth vegetation* and *Managing category R regrowth vegetation*. If the construction of powerlines cannot be carried out under the exemptions provided in schedule 24 of SPR, including under the self-assessable codes, then an operational works permit will need to be obtained. In these circumstances, Ergon Energy estimates that this will result in additional costs of about \$10,000 to a customer requesting an electricity connection. This connection is also likely to take an additional two months.

Ergon Energy will need to clear mapped (regulated) high-value regrowth vegetation on freehold land and in watercourses under the exemptions provided in schedule 24 of the SPR including clearing in accordance with the above mentioned self-assessable codes. Prior to clearing vegetation under these codes notification must be given by the landowner. The requirement for notification only by a landowner, for clearing under these codes, may significantly increase the timeframes for constructing powerlines as Ergon Energy will not be considered a landowner in most circumstances. Where powerlines cross multiple lots with different landowners, ensuring that all landowners submit notifications prior to clearing imposes additional administration burden through negotiations with multiple landowners.

Should these amendments to the *Vegetation Management Act 1999 (VMA)* come into effect, Ergon Energy recommends the above mentioned codes be amended to allow notification of proposed vegetation by the landowner or **the party undertaking the vegetation clearing**. Alternately, Ergon Energy requests that the Bill considers making amendments to part 1 schedule 24 of the SPR to make the clearing of high-value regrowth exempt for an activity under the *Electricity Act 1994* when undertaken by an electricity entity.

It is understood that the amendments proposed under the Bill will require the updating of the existing self-assessable codes for vegetation clearing made under the VMA. Ergon Energy requests we be consulted during the amendments to these codes to ensure they do no impact upon our ability to provide essential services and facilities to Queensland communities at a reasonable cost to our customers. Ergon Energy further recommends that:

- a) All self-assessable codes, made under the VMA, be amended to allow vegetation clearing notifications to be made by the party undertaking the clearing rather than just by the land owner; and
- b) Increase the maximum clearing width for powerlines in the *necessary property infrastructure* code from 15 m to 20 m. Ergon Energy requires a 20m clearance on high voltage powerlines to reduce the risk of powerlines causing fires or being impacted upon by fires.

2. Riparian Vegetation

Ergon Energy supports the new provisions under section 814(2AA)(b) of the *Water Act 2000* which allows the clearing of riparian vegetation without a riverine protection permit for electric line maintenance. Ergon Energy maintains and constructs electric lines under the *Electricity Act 1994* and *Electrical Safety Act 2002* and interprets this new section to allow the clearing of riparian vegetation without a permit for maintenance.

We trust that the abovementioned matters will be taken into consideration when reviewing the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016. Please contact Darren Broadbent on [REDACTED] or via email address: [REDACTED] for any further information.

Yours sincerely,

[REDACTED]

Justin Gardiner
General Manager – Health Safety & Environment