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Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane QLD 4000
(via email: ipnrc@parliament.qld.gov.au)

Dear Research Director,

PLANNING BILLS 2015

Thank you for the opportunity to provide comments on the Planning Bills 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 service area extends across 97% of Queensland ranging from rapidly growing coastal and rural communities to remote outback and island communities.

Ergon Energy supports the Queensland Government's commitment to simplifying and streamlining the State's planning regime through its reform agenda. Further, Ergon Energy is grateful for the consultation opportunities provided by the Department of Infrastructure, Local Government and Planning (DILGP) through the reform process.

Submission

This submission relates to the Government's Planning Bills, being:

- *Planning Bill 2015*;
- *Planning and Environment Court Bill 2015*; and
- *Planning (Consequential) and Other Legislation Amendment Bill 2015*.

Whilst it is acknowledged that the committee is simultaneously calling for submissions on three Private Member's Bills, I wish to advise that no comments in this correspondence relate to those Bills.

It is understood Powerlink Queensland and Energex Limited are also providing feedback on the Government's Planning Bills in their similar capacity as electricity infrastructure providers. The following comments are made in addition to (and in support of) their informed contributions.

Planning Bill 2015

Chapter 2, Part 5 Designation of premises for development of infrastructure.

Name

Ergon Energy supports the name change (seeing the deletion of the word 'community') from this section of the Bill. While the community at large benefits from all electrical infrastructure, the use of the term community places undue emphasis on 'community' expectations. This is particularly relevant for critical linear infrastructure which traverses communities who may not always gain a direct or obvious benefit from its development.

Designating Minister

Since the infrastructure designation process is a planning based process, Ergon Energy is supportive of the change to appoint the Minister (eg. the Minister for Planning) as the designating minister.

Terminology - Need

Ergon Energy supports and appreciates DILGP's response to earlier submissions regarding the term 'planning need'. The current drafting of section 36(1)(b) allows the term "need" to be given its plain and ordinary meaning so as to not unduly constrain the Minister's ability to designate premises for the development of infrastructure.

Public sector entity definition

As the committee would be aware, the Queensland Government is in the process of establishing a merged network business, incorporating Ergon Energy and Energex under a holding company, and an energy services business.

The energy services business will "*will look at options to utilise renewable technologies in regional Queensland, particularly in remote areas, to improve reliability and sustainability of electricity supply*" (Media Statement by the Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport The Honourable Curtis Pitt, 15 December 2015).

The Planning Bill contains provisions of benefit to Ergon Energy in that they prevent an infrastructure designation from lapsing (see section 39) and make building work by EECL exempt from local government planning schemes and make it otherwise accepted development. These provisions apply to Ergon Energy because it is a public sector entity as defined:

(c) an agency, authority, commission, committee, corporation (including a government owned corporation), instrumentality, office, or other entity, established under an Act for a public or State purpose.

Examples for paragraph (c)—

a local government, a government owned corporation or a rail government entity under the Transport Infrastructure Act

As the definition is presently drafted, neither the holding company nor the energy services business would fall under it. This is because they will be established under the *Corporations Act 2001 (Cth)* and not under an Act (because an Act is a Queensland Act).

These provisions may be important for the new holding company and energy services business. To ensure flexibility is maintained for those new companies to operate efficiently, Ergon Energy considers that the definition of public sector entity should be amended to include “an entity prescribed under a regulation to be a public sector entity”.

Planning and Environment Court Bill 2015

Ergon Energy has no specific comments in relation to this bill.

Planning (Consequential) and Other Legislation Amendment Bill 2015

Ergon Energy has no specific comments in relation to this bill.

We trust that the abovementioned matters will be taken into consideration when reviewing the Government’s Bills. We greatly appreciate the opportunities that the department have provided us to participate in the legislative reform process. Please contact me on (07) 3851 6530 or via email address: ian.turton@ergon.com.au for any further information.

Yours sincerely,



Ian Turton
Principal Town Planner
Ergon Energy