



61 Mary Street  
Brisbane QLD 4000  
PO Box 15107  
City East QLD 4002  
Phone 07 3228 8222  
Fax 07 3228 8118  
Website [www.ergon.com.au](http://www.ergon.com.au)

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By email: [sdiic@parliament.qld.gov.au](mailto:sdiic@parliament.qld.gov.au)

State Development, Infrastructure and Industry Committee

Dear Committee

***Sustainable Planning and Other Legislation Amendment Bill 2012***

This submission is made on behalf of Ergon Energy Corporation Limited (**Ergon Energy**).

Ergon Energy is a Queensland Government-owned corporation and supplies electricity to around 700,000 customers across a vast operating area of over one million square kilometres – around 97% of Queensland.

Ergon Energy supports the Queensland Government's commitment to an effective and efficient planning and development system and to improvements to the *Sustainable Planning Act 2009 (SPA)*.

There are two aspects of the proposed *Sustainable Planning and Other Legislation Amendment Bill 2012 (Amendment Bill)* about which Ergon Energy makes submissions.

Those aspects are:

1. the proposal for the Chief Executive administering the SPA to be the single state assessment manager and referral agency and the consequential amendments to referral agency triggers in the *Sustainable Planning Regulation 2009 (Regulation)*; and
2. unintended consequences arising from the removal of the requirement for state resource entitlement for a properly made application.

## Referral agency changes

Ergon Energy acknowledges that much of the significant impact from the changes proposed to the assessment manager and referral agency assessment will come in yet to be released amendments to the Regulation.

Ergon Energy's primary concerns are to ensure the safety of the community and the protection of its electricity infrastructure where development is proposed near its infrastructure. Provided protection remains, Ergon Energy offers no objection to the changes proposed by the Amendment Bill.

Ergon Energy is currently an advice agency in accordance with Schedule 7, Table 2, Item 21 and Table 3, Items 7, 8 and 9 of the Regulation. Effectively, Ergon Energy is an advice agency for a development application (whether reconfiguring a lot, a material change of use or operational works (filling or excavation)), where any part of the lot the subject of the development application is:

- the subject of an easement in favour of Ergon Energy for a supply network; or
- within 100 metres of a substation.

Where it is triggered as a referral agency, Ergon Energy issues an advice agency response and tells the assessment manager that its response should be treated as a properly made submission pursuant to section 292(3) of the SPA. This allows Ergon Energy to monitor the assessment of a development application and, if appropriate, participate in any appeal.

Ergon Energy's role in the development assessment process is important because it allows issues associated with electricity infrastructure to be dealt with upfront, rather than causing concerns for the community and Ergon Energy after a development has been approved.

Failure to properly address electricity infrastructure can cause safety, visual amenity and noise concerns that are frequently difficult and costly to retrospectively address. This failure affects Ergon Energy and the cost of electricity, but also affects the community, purchasers of affected land, developers and the relevant local government.

There can be significant safety issues associated with inadequately designed development. Ergon Energy's involvement in the development assessment process allows it to ensure developers and assessing authorities are aware of the safety implications associated with developing near electricity infrastructure.

Ergon Energy has had experiences where development, particularly residential development, has been approved too close to or with designs that inadequately cater for substations or power lines. By way of example:

- Ergon Energy would seek to avoid situations where residential development is approved with electricity infrastructure crossing residential lots, where the preferable outcome for all concerned would be for the electricity infrastructure to align with roads.
- Ergon Energy would seek to ensure that "sensitive receivers" (such as residential development) are not approved in proximity to an existing substation that would cause noise concerns. One specific situation, where Ergon Energy's



infrastructure was not properly considered and development was allowed to proceed, involved a government department and significant costs to Ergon Energy to retrospectively acoustically treat a substation and took a number of years to resolve.

For the above reasons, it is important that there is a proper process for the Chief Executive to consider the impacts of development on electricity infrastructure, and vice versa. It is also important that Ergon Energy is notified of development applications so that it can obtain a right to be a party to the appeal process. Ergon Energy submits that this proper process would be:

- that the views of Ergon Energy are sought where:
  - the Chief Executive, Department of State Development, Infrastructure and Planning undertakes the role of the assessment manager or referral agency; and
  - development is proposed on land on which there is electricity infrastructure or is within 100 metres of a substation; and
- in other circumstances, to retain the existing referral agency triggers in Schedule 7, Table 2, Item 21 and Table 3, Items 7, 8 and 9 of the Regulation.

In addition to this submission, Ergon Energy requests the opportunity to discuss amendments to the Regulation's referral triggers and the process the Chief Executive will use to determine impacts matters formerly the subject of referral triggers.

### **State resource entitlement**

The Bill removes the requirement for an allocation or entitlement to a State resource in order for a development application to be properly made. This change is supported in principle. Ergon Energy's experience has been that obtaining State resource entitlement can be a lengthy and difficult process that holds up an otherwise prepared development application.

The key difficulty with the Amendment Bill is caused by the proposal to omit section 263(2)(b). Section 263(2)(b) provides that owner's consent is not required where resource entitlement has been obtained. This has the effect that each requirement for obtaining State resource entitlement is simply replaced by a requirement to obtain owner's consent.

If the Bill is passed in its current form, the requirement to obtain owner's consent has the prospect of being more difficult than the current requirements for obtaining State resource entitlement. This would be particularly the case because, currently, entitlement to many State resources is covered by general authorities. Those general authorities do not and cannot constitute owner's consent.

Ergon Energy suggests that amendments be considered so as to allow the State to create general owners' consents, which can be used to satisfy the requirements for owner's consent.

This submission is made following consultation with Powerlink Queensland and Energex and is made with their support. They too request the opportunity for continued discussion about the Amendment Bill; particularly the referral agency changes.

Please contact me for any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Cass', with a stylized flourish at the end.

John Cass  
General Manager, Health Safety and Environment  
Telephone: 07 4932 7418  
Email: [john.cass@ergon.com.au](mailto:john.cass@ergon.com.au)