

# Planning circular

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## PLANNING SYSTEM

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Infrastructure; Pipeline corridors

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<b>Circular</b>	PS 21-029
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<b>Related</b>	Replaces PS 18-010

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## Development adjacent to land in a pipeline corridor

This circular advises councils and developers of the mandatory notification and assessment requirements for development near pipelines listed under clause 66C of *State Environmental Planning Policy (Infrastructure) 2007*.

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### Introduction

*State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) is the key planning instrument in NSW for the facilitation and delivery of infrastructure. The Infrastructure SEPP contains planning provisions for various types of infrastructure, including pipelines.

Clause 66C of the Infrastructure SEPP specifies requirements which must be met prior to the determination of development applications for development adjacent to land in a pipeline corridor.

Clause 66C(3) lists high pressure pipelines used for the transport of dangerous gas, petroleum or other liquid fuels. These pipelines have a level of risk which must be assessed when considering development near the pipelines, to ensure that risks to people, property and the pipelines are within acceptable levels.

### Background

High pressure pipelines are normally large, steel pipelines which operate at very high pressures to transport gas or liquids over long distance. These pipelines run beneath the ground and span thousands of kilometres around the country and within our cities and towns.

High pressure pipelines are typically constructed within well-defined easements or corridors that can be as wide as 30 metres. A pipeline easement or corridor is a right-of-way allowing access for necessary inspections or maintenance. In cities and towns, easements are typically narrower to maximise the amount of land available for urban use. Alternatively, pipelines may be placed in road reserves for similar reasons.

The majority of high pressure pipelines listed under clause 66C of the Infrastructure SEPP are used to transport natural gas. However, the list also includes

pipelines for the transport of petroleum, crude oil, ethylene gas, ethane and jet fuel.

Development along such pipelines may pose a risk to pipeline integrity and, equally, such development may be at risk should a failure of the pipeline occur. While a serious failure of a pipeline is unlikely, the consequence of such a failure could have serious impact on life, property, the environment and the State's economy.

All but one of the pipelines listed in the Infrastructure SEPP are high pressure pipelines licenced under the *Pipelines Act 1967* and regulated by the Department of Planning, Industry and Environment. The Clyde to Gore Bay Pipeline is covered under the *Work Health and Safety Regulation 2017*, which is regulated by SafeWork NSW.

High pressure pipelines are designed, constructed, tested, operated and maintained in accordance with Australian Standard AS 2885 and licenced under the *Pipelines Act 1967*.

The *Pipelines Regulation 2013* also ensures that licensed pipeline are designed, constructed, maintained and operated in a safe and reliable manner. Under this Regulation, all pipeline operators must develop and implement a Pipeline Management Plan, which is used to monitor the ongoing performance of the pipeline operator.

### Locating high pressure pipeline corridors

The Infrastructure SEPP allows the development of high pressure pipelines in any zone (subject to certain requirements if the land is zoned C1 National Parks and Nature Reserves or an equivalent zone).

Clause 66C of the Infrastructure SEPP lists the license numbers/names of 33 sections of high pressure pipelines in NSW ranging in length from 0.5 km to 1,218 km. The clause aims to ensure that risks to people, property and the pipelines are considered

during the development assessment stage and determined to be within acceptable levels.

The land to which the clause applies is identified in clause 66C(3) as any land:

- a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the *Pipelines Act 1967*, or
- b) within 20m of the centreline (measured radially) of a relevant pipeline, or
- c) within 20m of land the subject of an easement for a relevant pipeline.

A list of pipeline operator(s) operating pipelines across applicable local government areas within NSW is included in this Circular. If there is a pipeline operator allocated to a local government area, the relevant council is to contact that operator to obtain information on the route of their pipeline.

It is best practice for developers to contact “Dial Before You Dig” during the early stages of the development assessment process, such as during the concept planning phase, to ensure that risks from the development on high pressure pipelines are adequately considered during this process.

**Notification requirements**

It is important that pipeline operators are aware of development proposed in the vicinity of their high pressure pipelines.

Matters, such as increased construction activity associated with a new development, may impact on the integrity of high pressure pipelines. The key cause of a pipeline failure is puncture or penetration of the pipeline by machinery, such as an excavator or a drill, especially during construction.

The Infrastructure SEPP provides requirements for consent authorities to notify the pipeline operator of any development application adjacent to a pipeline corridor within 7 days of receiving the application. As part of assessing the development application, the consent authority must take into consideration any response that is received from the pipeline operator within 21 days of the notice being given.

The notification requirements ensure pipeline operators are aware of any new development at an early stage of the development assessment process. This will enable the pipeline operator to work with the consent authority and developer to review the level of risk both to and from the pipeline.

**Consideration of potential safety risks**

Clause 66C of the Infrastructure SEPP also aims to protect people from unacceptable levels of risk from high pressure pipelines, whilst also protecting the pipelines themselves.

Specifically, clause 66C(1) requires the consent authority to:

- a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and
- b) take those risks into consideration.

It is acknowledged that the construction type, size, depth and the type of dangerous gas or liquid fuel within each of the high pressure pipelines listed under clause 66C will vary, resulting in each pipeline having a different risk profile.

Certain types of developments, such as high density residential, commercial or sensitive uses such as hospitals, schools, childcare and aged care facilities should be considered more carefully by the consent authority as they may introduce a higher or more vulnerable population near the pipelines listed under clause 66C.

Such development should consider preparing a risk assessment as part of the development application to demonstrate that the development will comply with the risk criteria for land use safety planning published in *Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning*. It is important to have a comprehensive understanding of the hazards and risks associated with the operation of the pipeline and of the adequacy of safeguards.

In assessing the tolerability of risk from high pressure pipelines, both qualitative and quantitative aspects need to be considered.

Any quantitative (numeric) risk assessment should be consistent with the principles published in *Hazardous Industry Planning Advisory Paper No. 6 – Hazard Analysis*. The risk assessment is to be performed by a suitably qualified professional. This assessment is the responsibility of the applicant and must be undertaken in consultation with the pipeline operator. The risk assessment should be submitted with the development application.

All Hazardous Industry Planning Advisory Papers can be found on the Department of Planning, Industry and Environment’s website.

**List of pipeline operators for each LGA<sup>1</sup>**

<i>Pipelines Act 1967</i> Licence Number	Pipeline Operator	Local Government Areas
1	Jemena	Camden, Campbelltown, Fairfield, Liverpool, Wollondilly
2	Jemena	Wollondilly, Wollongong

<sup>1</sup> as at 26 October 2018.

3	Jemena	Blacktown, Fairfield
4	Viva Energy	Burwood, Canterbury-Bankstown, City of Parramatta, Cumberland, Inner West, Strathfield
5	Viva Energy	Burwood, Canterbury-Bankstown, City of Parramatta, Cumberland, Inner West, Strathfield
6	Caltex	Bayside, Burwood, Canterbury-Bankstown, Cumberland, Inner West, Strathfield
7	Jemena	Blacktown, Central Coast, Cessnock, Hawkesbury, Hornsby, Lake Macquarie, Newcastle, The Hills Shire
8	Jemena	Newcastle
9	Caltex	Blacktown, Central Coast, Hawkesbury, Hornsby, Lake Macquarie, The Hills Shire
10	Caltex	Blacktown, City of Parramatta
11	Caltex	Lake Macquarie, Newcastle
12	Qenos	Bayside, Canterbury-Bankstown, City of Parramatta, Cumberland, Inner West, Strathfield
14	Exxon Mobil	Bayside, Randwick
15	APA Group	Bayside, Bland, Camden, Campbelltown, Canterbury-Bankstown, Central Darling, Cobar, Georges River, Goulburn Mulwaree, Hilltops, Lachlan, Liverpool, Upper Lachlan Shire, Weddin, Wingecarribee, Wollondilly
16	APA Group	Bland, Central Darling, Cobar, Goulburn Mulwaree, Hilltops, Lachlan, Upper Lachlan Shire, Weddin, Wingecarribee, Wollondilly
17	APA Group	Bathurst Regional, Blayney, Cowra, Hilltops, Lithgow City
18	APA Group	Bathurst Regional, Oberon

19	APA Group	Cootamundra-Gundagai Regional, Hilltops, Junee, Wagga Wagga
20	APA Group	Coolamon, Griffith, Junee, Leeton, Narrandera
21	APA Group	Upper Lachlan Shire, Yass Valley
22	APA Group	Blayney, Cabonne, Orange
23	APA Group	Greater Hume Shire, Lockhart, Wagga Wagga
24	APA Group	Federation, Greater Hume Shire
25	APA Group	Bland, Dubbo Regional, Forbes, Narromine, Parkes, Weddin
26	Jemena	Camden, Campbelltown, Cumberland, Fairfield, Goulburn Mulwaree, Kiama, Liverpool, Queanbeyan-Palerang Regional, Shellharbour, Shoalhaven, Snowy Monaro Regional, Wollondilly, Wollongong
27	APA Group	Dubbo Regional, Gunnedah, Liverpool Plains, Tamworth Regional, Warrumbungle
28	APA Group	Cootamundra-Gundagai Regional, Junee, Snowy Valleys
29	Jemena	Queanbeyan-Palerang Regional
32	Energy Australia	Wollongong
33	Jemena	Central Coast, Lake Macquarie
35	BP Australia	Newcastle
42	AGL Energy	Newcastle, Port Stephens
Clyde to Gore Bay Pipeline Work Health and Safety Regulation 2017	Viva Energy	City of Parramatta, Hunters Hill, Lane Cove, Ryde

## Further information

A copy of the Planning guidelines for hazardous development can be found here:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Hazards>

Dial Before You Dig can be accessed here:

<https://www.1100.com.au/>

For further information please contact Service NSW on 13 77 88.

Department of Planning, Industry and Environment circulars are available at:

[planning.nsw.gov.au/circulars](http://planning.nsw.gov.au/circulars)

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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