
PLANNING SYSTEM

State environmental planning policy

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Development adjacent to high pressure pipelines transporting dangerous goods

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* (known as the Infrastructure SEPP). Clause 66C of the Infrastructure SEPP lists high pressure pipelines used for the transport of dangerous goods. 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.

Introduction

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 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. It also includes notification requirements and requirements to consider potential safety risks related to development near high pressure pipelines.

The purpose of this circular is to advise councils and developers of the requirements for development adjacent to high pressure pipeline corridors listed under Clause 66C of the Infrastructure SEPP. These provisions were recently expanded in amendments made to the SEPP on 31 August 2018.

The majority of high pressure pipelines listed under clause 66C are used to transport natural gas, however

the list now 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 very unlikely, the consequence of such a failure could have serious implications for 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 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 E1 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 1218 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.

To accompany the provisions within Clause 66C, this circular includes a table listing the pipeline operator(s) operating pipelines across NSW. 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. Their webpage is listed below.

Dial Before You Dig is a free national service which holds and provides information about the location and type of underground assets, including gas pipes and electricity cables. In NSW, pipeline operators need to be members of the Dial Before You Dig service.

Using the Dial Before You Dig service is mandatory before carrying out excavation work in NSW.¹

The Dial Before You Dig service has a national call centre and website which can be accessed via webpage www.1100.com.au. The location of pipelines can be identified by contacting the Dial Before You Dig service.

Development near pipelines - 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.

Amendments to the Infrastructure SEPP notified on 31 August 2018 introduced 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 this 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 land to which the clause applies is identified in clause 66C as any land:

- a) within the licence area of a high pressure pipeline licensed under the *Pipelines Act 1967*, or
- b) within 20m (measured radially) of the centreline or easement of any of the listed pipelines.

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.

A list of pipeline operator(s) operating pipelines across applicable local government areas within NSW is included below. The local council is to contact the relevant operator to obtain information of the route of their pipeline.

Development near pipelines - consideration of potential safety risks

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

Specifically, clause 66C 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 in the assessment of development.

In taking ‘those risks into consideration’ it is acknowledged that the construction type, size, depth and the type of dangerous good within each of the high pressure pipelines listed under clause 66C will vary, resulting in each pipeline having a different risk profile.

There are certain types of developments such as high density residential, commercial or sensitive uses such as hospitals, schools, child care and aged care facilities which 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.

¹ Excavation requirements are set out in the Electricity and Gas Supply Acts and Regulations.

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 and Environment's website.

List of pipeline operators for each LGA

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

For further information please contact Service NSW on 13 77 18.

Department of Planning and Environment circulars are available at:

planning.nsw.gov.au/circulars

Authorised by:

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Secretary

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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