



# Planning circular

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## PLANNING SYSTEM

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Infrastructure; Pipeline corridors

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<b>Related</b>	Replaces PS 21-029

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## Development near high pressure pipelines

This circular advises councils and developers of the mandatory notification and assessment requirements for development near pipelines listed under section 2.77 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. It also advises on the automatic notification and local planning direction for those pipelines.

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### Summary

Planning requirements apply to development applications (DAs) and planning proposals near high pressure pipelines.

These requirements apply to pipelines listed under section 2.77 of the *State Environmental Planning Policy (Transport and Infrastructure) 2007* (T&I SEPP). Section 2.77(3) of the T&I SEPP includes the licence numbers/names of 33 sections of high-pressure pipelines in NSW ranging in length from 0.5 km to 1,218 km. These pipelines are referred to as **relevant pipelines** in this Circular.

### Development applications

The T&I SEPP contains planning provisions for various types of infrastructure, including pipelines. Section 2.77 of the T&I SEPP specifies requirements which must be met prior to the determination of DAs for development adjacent to land in a pipeline corridor.

In addition, an automated notification (once finalised) will be triggered when specified criteria are met for DAs near relevant pipelines.

### Planning proposals

A direction by the Minister under section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies to planning proposals near relevant pipelines which meet specified criteria.

### 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 Australia including within urban areas.

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 urban areas, easements are typically narrower to maximise the amount of land available for urban use. Pipelines may also be placed in road reserves for similar reasons.

Most pipelines transport natural gas, while the remainder transport petroleum, crude oil, ethane and jet fuel.

Development along relevant pipelines may pose a risk to pipeline integrity. 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 a serious impact on life, property, the environment and the NSW economy.

All but one of the relevant pipelines listed in the T&I SEPP are high pressure pipelines licenced under the *Pipelines Act 1967* and regulated by the Department of Climate Change, Energy, the Environment and Water. The Clyde to Gore Bay Pipeline is 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.

The *Pipelines Regulation 2013* also ensures that licensed pipelines are designed, constructed, maintained and operated in a safe and reliable manner.

### Locating high pressure pipeline corridors

The T&I 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).

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

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

Matters such as increased construction activity associated with a new development may impact 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.

### 1) Consultation referral

Section 2.77 of the T&I SEPP 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.

Section 2.77 requires consent authorities to notify the pipeline operator of any DA adjacent to a relevant pipeline corridor within 7 days of receiving the application. As part of assessing the DA, the consent authority must take into consideration any response that is received from the pipeline operator within 21 days.

Section 2.77(2) applies to 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.

### 2) Automatic notification

In addition, a notification of the DA to the relevant pipeline operator will occur on submission of DAs applying to land within the **application area**. This notification is under development as of 2024. This provides awareness of the proposal to pipeline operators, so they can decide whether to provide a submission during any DA exhibition.

The **application area** is within:

- 140m of a gasoline, ethane or jet fuel pipeline
- 200m of a natural gas.

Once implemented, this notification will be automatically generated by the NSW Planning Portal and apply if the DA proposes **development that may result in a significant population increase** and/or proposes a **sensitive land use**.

**Development that may result in a significant population increase** means any of the following development (including as part of mixed use development): attached dwelling, multi-dwelling housing, residential flat building, group homes, boarding house, co-living housing, seniors housing, hostel, manor houses, health services facility, centre-based childcare, educational establishment, industrial development (excluding home industry), entertainment facility, tourist and visitor accommodation (excluding farm stay accommodation), commercial premises (excluding take-away food and drink premises), correctional centre.

**Sensitive land uses** are the following development types which may introduce vulnerable persons to an area who would be difficult to evacuate under emergency situation (including as part of mixed use development): correctional centre, centre-based childcare, health services facility (if using general anaesthetic), school, seniors housing.

The above definitions may be refined as needed to ensure they include appropriate development types.

Where a DA does not trigger the criteria for referral under the T&I SEPP or notification under the Planning Portal, an applicant and/or consent authority may still voluntarily consult with pipeline operators if considered necessary.

## Consideration of potential safety risks

Section 2.77(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.

The construction type, size, depth and the type of dangerous gas or liquid fuel within each of the relevant pipelines will vary, resulting in each pipeline having a different risk profile.

Certain types of development, such as high density residential, commercial or sensitive uses should be carefully considered by the consent authority as they may introduce a higher or more vulnerable population near the relevant pipelines.

Such development, in particular where its scale is inconsistent with the strategic planning proposal, should consider preparing a risk assessment as part of the DA. This would 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, Housing and Infrastructure's website.

### Local planning direction

A direction by the Minister under section 9.1 of the EP&A Act has been made for relevant pipelines (Direction). The Direction applies to planning proposals that would permit development for **sensitive land uses** or **development that may result in a significant population increase** in the **application area** of a relevant pipeline.

Bold formatted terms are defined in the Direction.

The Direction requires a planning proposal authority to:

- consider risks to the integrity of relevant pipelines, human health and the environment when preparing a relevant planning proposal, and
- consider the *Guideline for planning proposals near High Pressure Dangerous Goods pipelines* (Guideline) when considering risk.

The Guideline outlines a process for considering pipeline risks and provides guidance on other matters related to planning proposals. It will help planning authorities and proponents to identify whether a land use safety study is needed.

The Direction aims to reduce the risk of harm to human health and the environment by ensuring relevant pipelines are considered by planning proposal authorities.

### 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
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

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

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, Campbeltown, 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	Viva Energy	City of Parramatta, Hunters Hill, Lane Cove, Ryde

Work Health and Safety Regulation 2017		
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### 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, Housing and Infrastructure 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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