



New South Wales

# Pipelines Amendment Regulation 2006

under the

Pipelines Act 1967

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pipelines Act 1967*.

JOSEPH TRIPODI, M.P.,  
Minister for Energy

## Explanatory note

The object of this Regulation is to amend the *Pipelines Regulation 2005* (**the Principal Regulation**) as a consequence of amendments to the *Pipelines Act 1967* (**the Principal Act**) by the *Pipelines Amendment Act 2006*, in particular amendments with respect to:

- (a) the repeal of a scheme of permits to enter land, and
- (b) the form of various applications under the Principal Act, and
- (c) standards applied by the Principal Regulation, and
- (d) service of various instruments under the Principal Act on public authorities, and
- (e) delegation of the Minister's powers under the Principal Act, and
- (f) the transitional operation of certain provisions of the Principal Regulation and the Principal Act.

This Regulation is made under the Principal Act, including sections 5E (2), 13, 13A, 13B, 18 and 69 (the general regulation-making power) and clauses 1 and 6 of Schedule 1.

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Clause 1          Pipelines Amendment Regulation 2006

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### **Pipelines Amendment Regulation 2006**

under the

Pipelines Act 1967

**1 Name of Regulation**

This Regulation is the *Pipelines Amendment Regulation 2006*.

**2 Commencement**

This Regulation commences on 15 September 2006.

**3 Amendment of Pipelines Regulation 2005**

The *Pipelines Regulation 2005* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 3 Definitions**

Omit the definitions of *AS 2885.1—1997* and *AS 2885.3—2001* from clause 3 (1).

**[2] Clause 3 (1)**

Insert in alphabetical order:

*AS 2885.1* means AS 2885.1—1997, Pipelines—Gas and liquid petroleum—Design and construction, published by Standards Australia (as in force for the time being).

*AS 2885.3* means AS 2885.3—2001, Pipelines—Gas and liquid petroleum—Operation and maintenance, published by Standards Australia (as in force for the time being).

**[3] Clause 3A**

Insert after clause 3:

**3A Application of Parts 4 and 5**

Divisions 1–3 of Part 4, and Part 5, do not apply with respect to a pipeline referred to in section 5 (1) (d) of the Act that is the subject of a licence under the Act.

**[4] Part 2, heading**

Omit “and permits to enter”.

**[5] Clause 4**

Omit the clause. Insert instead:

**4 Applications for authorities to survey (section 5E)**

For the purposes of section 5E (2) of the Act:

- (a) the prescribed manner of making an application for an authority to survey is by addressing it to the Director-General and lodging it at an office of the Department, and
- (b) the prescribed manner in which the lands to which the authority relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and

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- (c) the prescribed maps are standard maps that clearly indicate the lands to which the application relates, and
- (d) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

**[6] Clauses 5–8**

Omit the clauses.

**[7] Clause 10**

Omit the clause. Insert instead:

**10 Applications for licences (section 13)**

For the purposes of section 13 (1) of the Act:

- (a) the prescribed manner of making an application for a licence is by addressing it to the Director-General and lodging it at an office of the Department, and
- (b) the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2, and
- (c) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

**[8] Clause 11 Applications for variation of application for licence (section 13A)**

Omit clause 11 (1). Insert instead:

- (1) For the purposes of section 13A (3) of the Act, the prescribed fee is the fee specified in Schedule 1 with respect to an application for variation of an application for a licence.

**[9] Clause 11 (3)**

Omit the subclause.

**[10] Clause 12 Applications for renewal of licence (section 16)**

Omit the clause.

**[11] Clause 13 Applications for variation of licence area (section 18)**

Omit clause 13 (1). Insert instead:

- (1) For the purposes of section 18 (3) of the Act, the prescribed fee is the fee specified in Schedule 1 with respect to an application for variation of a licence area.

**[12] Clause 13 (3)**

Omit the subclause.

**[13] Clause 13A**

Insert after clause 13:

**13A RTA to be served with notifications etc**

- (1) The Roads and Traffic Authority is prescribed as a public authority on whom notifications or instruments (as the case may be) under sections 13 (4), 13A (8), 13B (3) and 18 (8) of the Act must be served.
- (2) For the purposes of sections 13 (4), 13A (8) and 13B (3) of the Act, the prescribed period is 7 days commencing on the day after the day that:
  - (a) the application for a licence to which the notification relates is made to the Minister, in the case of a notification referred to in section 13 (4), and
  - (b) the further application to which the notification relates is made to the Minister, in the case of a notification referred to in section 13A (8), and
  - (c) the instrument is served on the Minister, in the case of an instrument referred to in section 13B (3).

**[14] Part 3, Division 2, heading**

Omit “, variations and renewals”. Insert instead “and variations”.

**[15] Part 4 Design, construction, operation and maintenance of pipelines**

Omit Division 2.

**[16] Clause 44 Delegation of Minister’s functions (section 4A)**

Omit the clause.

**[17] Clause 45**

Omit the clause. Insert instead:

**45 Application for directions as to conveyance of substances (section 23)**

For the purposes of section 23 (2) of the Act, the prescribed manner of making an application for a direction as to the conveyance of substances is by addressing it to the Director-General and lodging it at an office of the Department.

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**[18] Clause 50**

Omit the clause. Insert instead:

**50 Applications for transfer of licence (section 42)**

For the purposes of section 42 (8) of the Act, the prescribed fee for registration of the transfer of a licence is the fee specified in Schedule 1 with respect to registration of a transfer.

**[19] Clause 51 Application for registration of interest that has devolved by law (section 43)**

Omit “permit or”.

**[20] Clause 52 Application for registration of instrument creating, assigning, affecting or dealing with an interest (section 45)**

Omit “with respect to registration in Schedule 1”.

Insert instead “in Schedule 1 with respect to registration of an approval”.

**[21] Clause 57 Savings and transitional**

Insert at the end of the clause:

- (2) Division 2 of Part 4 as in force immediately before its repeal by the *Pipelines Amendment Regulation 2006* continues in force, despite that repeal, with respect to the registered holder of a licence granted:
  - (a) before that repeal, or
  - (b) on or after that repeal if the licence relates to land in respect of which a permit is granted on or after that repeal pursuant to provisions continued in force by Part 3 of Schedule 1 to the Act.
- (3) Despite clause 6 of Schedule 1 to the Act, the provisions of the Act as amended by the *Pipelines Amendment Act 2006* apply to and in respect of an application to which clause 6 (1) of that Schedule applies if:
  - (a) it is an application under section 18 or 30 (1) (e) of the Act, and
  - (b) the Minister is of the opinion that the granting of the application would be likely to significantly affect the environment.

**[22] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Fees**

(Clauses 4,10,11,13 and 50–55)

	<b>\$</b>
1 Application for authority to survey under section 5E of the Act (clause 4)	2,200
2 Application for licence under section 13 of the Act (clause 10)	2,640
3 Application under section 13A of the Act to vary application for licence (clause 11)	350
4 Application under section 18 of the Act for variation of licence area (clause 13)	50
5 Registration of transfer under section 42 of the Act (clause 50)	710
6 Registration as holder under section 43 of the Act (clause 51)	110
7 Registration of approval to an instrument creating etc a legal or equitable interest affecting an existing or future licence under section 45 of the Act (clause 52)	50
8 Inspection of register and registered instruments under section 50 of the Act (clause 53)	10
9 Application for information under section 50A of the Act concerning any application made or granted for a licence in respect of land specified in the application (clause 54):	
(a) pipeline search (non-expedited)	35
(b) pipeline search (expedited)	53
(c) search (other than a search referred to in paragraph (a) or (b))	18

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Schedule 1 Amendments

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|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | Copies of or extracts from the register or of or from an instrument lodged with the Minister, certified by the Minister under section 51 of the Act (clause 55 (1)) | \$<br>\$41 and, in addition, \$34 for each diagram and, if the copy or extract exceeds 3 folios, an additional \$4 for each folio in excess of 3 |
| 11 | Certificate by the Minister as to an entry, matter or thing under section 51 of the Act (clause 55 (2))                                                             | 14                                                                                                                                               |

**[23] Schedule 3 Forms**

Omit Forms 1–13, 16 and 17.

BY AUTHORITY

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