



New South Wales

State Environmental Planning Policy Amendment (Pipelines) 2006

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 581

Clause 1 State Environmental Planning Policy Amendment (Pipelines) 2006

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under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Pipelines) 2006*.

2 Commencement

This Policy commences on 15 September 2006.

3 Aims of Policy

The aims of this Policy are:

- (a) to declare certain classes of development for the purposes of a pipeline to be projects to which Part 3A of the Act applies, and
- (b) to enable those classes of development to be carried out without the need for development consent if they would otherwise be prohibited by another environmental planning instrument or permitted only with development consent, and
- (c) to identify routine pipeline operations and maintenance as exempt development.

4 Land to which Policy applies

- (1) In so far as this Policy amends *State Environmental Planning Policy (Major Projects) 2005* it applies to the State.
- (2) In so far as this Policy amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* it applies to all the land to which that Policy applies.

5 Amendment of State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended as set out in Schedule 1.

6 Amendment of State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development is amended as set out in Schedule 2.

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State Environmental Planning Policy Amendment (Pipelines) 2006

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

(Clause 5)

Schedule 1 Part 3A projects—classes of development

Insert after clause 26:

26A Pipelines

Development for the purposes of a pipeline in respect of which:

- (a) a licence is required under the *Pipelines Act 1967*, or
- (b) an application for a licence is made under that Act on or after the commencement of this clause, or
- (c) a licence was granted under that Act before the commencement of this clause.

Note. The *Pipelines Act 1967* enables a person to apply for and be granted a licence under that Act although a licence is not required by the Act for the pipeline concerned. Also, see Part 3 of Schedule 1 to the *Pipelines Act 1967*, which affects the operation of the *Environmental Planning and Assessment Act 1979* with respect to pipelines.

Schedule 2 Amendment of State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

(Clause 6)

[1] Clause 12A

Insert after clause 12:

12A Pipelines

- (1) This clause applies to development for the purposes of a pipeline in respect of which:
 - (a) a licence is required under the *Pipelines Act 1967*, or
 - (b) an application for a licence is made under that Act on or after the commencement of this clause, or
 - (c) a licence was granted under that Act before the commencement of this clause.

Note. The *Pipelines Act 1967* enables a person to apply for and be granted a licence under that Act although a licence is not required by the Act for the pipeline concerned. Also, see Part 3 of Schedule 1 to the *Pipelines Act 1967*, which affects the operation of the *Environmental Planning and Assessment Act 1979* with respect to pipelines.

- (2) If, in the absence of this clause, development to which this clause applies is prohibited or may be carried out only with development consent, that development may be carried out and may be carried out without development consent.

[2] Clause 14 Exempt development

Omit “15–18” from clause 14 (2). Insert instead “15–19”.

[3] Clause 19

Insert after clause 18:

19 When pipeline operations and maintenance are exempt development

- (1) For the operation or maintenance of a pipeline to be exempt development, it must be routine operation or maintenance of a pipeline, being a pipeline in respect of which a licence is in force under the *Pipelines Act 1967*.

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Schedule 2 Amendment of State Environmental Planning Policy No 4—Development
Without Consent and Miscellaneous Exempt and Complying Development

- (2) In this clause, *routine operation or maintenance of a pipeline* includes:
- (a) erosion or sediment control works associated with a pipeline, and
 - (b) the repair of a pipeline, and
 - (c) the maintenance of pipeline corridor access tracks, and
 - (d) routine operation or maintenance of a station located along a pipeline (such as a compressor station, a pigging station or a valve station).

BY AUTHORITY
