



New South Wales

# Pipelines Regulation 2005

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*.

CARL SCULLY, M.P.,  
Minister for Utilities

## Explanatory note

The object of this Regulation is to remake, without any substantive change, the *Pipelines Regulation 2000*. That Regulation will be repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation includes provisions dealing with the following matters:

- (a) applications in relation to authorities to survey land and permits to enter land to determine the route of a proposed pipeline under the *Pipelines Act 1967* (Part 2),
- (b) applications in relation to licences to construct and operate a pipeline under that Act (Part 3),
- (c) requirements in relation to the design, construction, operation and alteration of pipelines (Division 1 of Part 4),
- (d) requirements in relation to the preparation and implementation of an environment management plan by a licensee proposing to construct a pipeline (Division 2 of Part 4),
- (e) requirements in relation to the implementation of a safety and operating plan by a licensee, including requirements as to the auditing of the implementation of the plan (Division 3 of Part 4),
- (f) requirements to ensure the minimum amount of disturbance by a licensee during construction and operation of a pipeline to existing uses of land and public roads, and to prevent persons from damaging pipelines (Division 4 of Part 4),
- (g) the reporting of the escape or ignition of substances conveyed in pipelines, accidents involving the construction, maintenance or operation of pipelines and emergencies and unplanned disruptions to pipeline operations (Division 1 of Part 5),

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Explanatory note

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- (h) the making of routine, annual and five-yearly reports by licensees on specified matters relating to the operation, maintenance and inspection of pipelines (Division 2 of Part 5),
- (i) modifications required in relation to the application of the *Land Acquisition (Just Terms Compensation) Act 1991* by section 22A of the *Pipelines Act 1967* to claims for compensation by persons holding interests in certain lands affected by pipelines (Part 6),
- (j) miscellaneous matters for which regulations may be made under the *Pipelines Act 1967*, including delegations, fees and the marking of the routes of pipelines (Part 7).

This Regulation refers to AS 2885.1—1997, *Pipelines—Gas and liquid petroleum—Design and construction* and AS 2885.3—2001, *Pipelines—Gas and liquid petroleum—Operation and maintenance*, published by Standards Australia.

This Regulation is made under the *Pipelines Act 1967*, including section 69 (the general regulation-making power) and the other sections mentioned in the Regulation.

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Clause 1 Pipelines Regulation 2005

Part 1 Preliminary

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## Pipelines Regulation 2005

under the

Pipelines Act 1967

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Pipelines Regulation 2005*.

#### 2 Commencement

This Regulation commences on 1 September 2005.

**Note.** This Regulation replaces the *Pipelines Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**AS 2885.1—1997** means AS 2885.1—1997, *Pipelines—Gas and liquid petroleum—Design and construction*, published by Standards Australia (as in force on 1 September 2005).

**AS 2885.3—2001** means AS 2885.3—2001, *Pipelines—Gas and liquid petroleum—Operation and maintenance*, published by Standards Australia (as in force on 1 September 2005).

**Department** means the Department of Energy, Utilities and Sustainability.

**Director-General** means the Director-General of the Department.

**environment management plan** means an environment management plan in force under Division 2 of Part 4.

**hazardous event** means an event that causes, or has the potential to cause, physical injury to, or damage to the health of, a person or damage to property or the environment.

**nominated auditor** for a licensee means the auditor for the time being nominated by the licensee in accordance with clause 27.

**person-in-charge** means, in relation to a licensee, the person for the time being appointed as person-in-charge by the licensee under clause 33.

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***safety and operating plan*** means a safety and operating plan lodged under clause 25.

***standard map*** means:

- (a) a cadastral map published by Geoscience Australia or by another department or agency of the New South Wales or Commonwealth government, or
- (b) if maps referred to in paragraph (a) are not available, an aerial photograph or topographic map of a standard acceptable to the Director-General,

being a map or photograph that indicates the boundaries of the various properties affected by the application in connection with which it is used.

***the Act*** means the *Pipelines Act 1967*.

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 3.
- (3) Notes included in this Regulation do not form part of this Regulation.

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Clause 4 Pipelines Regulation 2005

Part 2 Authorities to survey and permits to enter

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## Part 2 Authorities to survey and permits to enter

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

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

- (a) the prescribed form of application for an authority to enter lands for the purpose of investigating possible routes for a proposed pipeline is Form 1, and
- (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
- (c) 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
- (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and
- (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

### 5 Applications for permits (section 6)

(1) For the purposes of section 6 (2) of the Act:

- (a) the prescribed form of application for a permit is Form 2, and
- (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
- (c) the prescribed manner in which the lands to which the permit relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
- (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and
- (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

(2) For the purposes of section 6 (5) of the Act, the prescribed scale to which a plan contained in a notification for publication in a newspaper must be drawn is:

- (a) 1:1,000,000, if the pipeline is between 160 and 800 kilometres in length and the plan is a copy of a standard map, or
- (b) such other scale as may be approved by the Director-General in any particular case or class of cases.



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**6 Notice to councils, owners and occupiers of applications for permits (section 7)**

- (1) For the purposes of section 7 of the Act, the prescribed form of notice to be given to a council, to a county council and to any owner and occupier of land with respect to an application for a permit is Form 3.
- (2) An applicant must serve on the Minister a declaration in Form 4 within 7 days after the service of the last notice required to be given under section 7 of the Act.  
Maximum penalty: 10 penalty units.
- (3) If the applicant is a corporation, the declaration must be made on its behalf by the managing director, the secretary or such other person as may be approved by the Director-General.

**7 Applications for variation of application for permit (section 7A)**

- (1) For the purposes of section 7A (2) of the Act, the provisions of sections 6 (2), (3), (4) and (5) and 7 of the Act, modified as follows, apply to and in respect of an application for variation of an application for a permit:
  - (a) section 6 (2) (c) and (ci) and (5) (b) and (c) are to be read as applying only in relation to lands intended to be included in or excluded from the application for a permit,
  - (b) section 6 (2) (e) is to be read as not requiring the furnishing of particulars that have already been furnished with the application to be varied,
  - (c) a reference in section 7 to the making of an application for a permit is to be read as if it were a reference to the making of an application for variation of the application for a permit.
- (2) For the purposes of the provisions of section 6 (2) of the Act that are applied by operation of subclause (1):
  - (a) the prescribed form of application for variation of an application for a permit is Form 5, and
  - (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
  - (c) the prescribed manner in which the lands to which the application relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
  - (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and

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Clause 8 Pipelines Regulation 2005

Part 2 Authorities to survey and permits to enter

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- (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (3) For the purposes of the provisions of section 6 (5) of the Act that are applied by operation of subclause (1), the prescribed scale to which a plan contained in a notification for publication in a newspaper must be drawn is:
  - (a) 1:1,000,000, if the pipeline is between 160 and 800 kilometres in length and the plan is a copy of a standard map, or
  - (b) such other scale as may be approved by the Director-General in any particular case or class of cases.
- (4) For the purposes of the provisions of section 7 of the Act that are applied by operation of subclause (1), the prescribed form of notice to be given to a council, to a county council or to an owner or occupier of land with respect to the variation of an application for a permit is Form 3.
- (5) Clause 6 applies in respect of a notice referred to in subclause (4) in the same way as it applies in respect of a notice referred to in clause 6 (1).

### **8 Applications for variation of permit (section 9A)**

- (1) For the purposes of the provisions of section 6 (2) of the Act that are applied by operation of section 9A (2) of the Act:
  - (a) the prescribed form of application for variation of a permit is Form 6, and
  - (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
  - (c) the prescribed manner in which the lands to which the application relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
  - (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and
  - (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of the provisions of section 6 (5) of the Act that are applied by operation of section 9A (2) of the Act, the prescribed scale to which a plan contained in a notification for publication in a newspaper must be drawn is:
  - (a) 1:1,000,000, if the pipeline is between 160 and 800 kilometres in length and the plan is a copy of a standard map, or

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- (b) such other scale as may be approved by the Director-General in any particular case or class of cases.
  - (3) For the purposes of the provisions of section 7 of the Act that are applied by operation of section 9A (2) of the Act, the prescribed form of notice to be given to a council, to a county council or to an owner or occupier of land with respect to an application for variation of a permit is Form 3.
  - (4) Clause 6 applies in respect of a notice referred to in subclause (3) in the same way as it applies in respect of a notice referred to in clause 6 (1).

**9 Applications generally**

- (1) A schedule of lands prepared for the purposes of this Part:
  - (a) must list the lands concerned in a continuous geographical sequence, and
  - (b) must identify any reserves or dedications under the *Crown Lands Act 1989* and any lands the subject of an authority or mineral claim under the *Mining Act 1992*, and
  - (c) must identify each parcel of land by its current folio identification (if any) in the office of Land and Property Information and the parish, county and local government area in which the land is situated.
- (2) On any map prepared for the purposes of this Part, the approximate route of the pipeline and the approximate location of any proposed apparatus or works must be clearly shown.

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Clause 10 Pipelines Regulation 2005

Part 3 Pipeline licences

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### Part 3 Pipeline licences

#### Division 1 General

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

- (1) For the purposes of section 13 (1) of the Act:
  - (a) the prescribed form of application for a licence is Form 7, and
  - (b) the prescribed manner of making such an application is by lodging it with the Director-General, and
  - (c) the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2, and
  - (d) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of section 13 (3) of the Act, the prescribed form of notification to be published with respect to an application for a licence is Form 8.

##### 11 Applications for variation of application for licence (section 13A)

- (1) For the purposes of section 13A (3) of the Act:
  - (a) the prescribed form of application for variation of an application for a licence is Form 9, and
  - (b) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of section 13A (4), (5) and (6) of the Act, the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2.
- (3) For the purposes of section 13A (7) of the Act, the prescribed form of notification to be published with respect to an application for variation of an application for a licence is Form 10.

##### 12 Applications for renewal of licence (section 16)

For the purposes of section 16 (2) of the Act:

- (a) the prescribed form of application for renewal of a licence is Form 11, and
- (b) the prescribed manner of making such an application is by lodging it with the Director-General, and
- (c) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

**13 Applications for variation of licence area (section 18)**

- (1) For the purposes of section 18 (3) of the Act:
  - (a) the prescribed form of application for variation of a licence area is Form 12, and
  - (b) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of section 18 (4), (5) and (6) of the Act, the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2.
- (3) For the purposes of section 18 (7) of the Act, the prescribed form of notification to be published with respect to an application for variation of a licence area is Form 13.

**Division 2 Plans to accompany applications for pipeline licences, variations and renewals****14 Form of plans**

- (1) A plan to which this Division applies must be drawn in accordance with the requirements of clauses 16, 19 and 20 of, and Schedule 5 to, the *Conveyancing (General) Regulation 2003*.
- (2) In addition to the requirements of subclause (1), if a plan proposes a subdivision of land, it must meet the requirements of clause 39 of the *Conveyancing (General) Regulation 2003*.
- (3) For the purposes of subclauses (1) and (2), a reference to a deposited plan in the provisions of the *Conveyancing (General) Regulation 2003* referred to in those subclauses is to be read as a reference to a plan to which this Division applies.
- (4) In the plan, a statement in Form 14 relating to the easements to be acquired and identifying them by reference to the way in which they are identified on the plan must be printed in the panel provided on the plan sheet.

**15 Instruments to accompany plans**

A plan to which this Division applies must be accompanied by an instrument, in Form 15, being an instrument that complies with the requirements of Schedule 2.

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Clause 16 Pipelines Regulation 2005

Part 4 Design, construction, operation and maintenance of pipelines

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### Part 4 Design, construction, operation and maintenance of pipelines

#### Division 1 Standards and working practices

##### 16 Design and construction of pipeline to accord with appropriate standards

- (1) A licensee must ensure that the design and construction of any pipeline operated under the licence are in accordance with the relevant provisions of the appropriate standard.  
Maximum penalty: 10 penalty units.
- (2) In this clause, *appropriate standard* means:
  - (a) in the case of pipelines for high-pressure gas and liquid petroleum—AS 2885.1—1997, or
  - (b) in any other case—AS 2885.1—1997 or a standard in respect of which an approval is in force under clause 17 in relation to the licensee concerned.

##### 17 Approval of standards

- (1) The Director-General may, on application by a licensee, approve a standard for the purposes of clause 16 (2) (b) in relation to that licensee.
- (2) The Director-General may revoke an approval under this clause but only after having given the licensee concerned:
  - (a) written notice of the Director-General's intention to revoke the approval, and
  - (b) an opportunity to make submissions.
- (3) An approval, or the revocation of an approval, under this clause:
  - (a) must be notified to the licensee concerned by notice in writing served on the licensee, and
  - (b) takes effect on the day on which the notice is served or on a later day specified in the notice.

##### 18 Operations to be carried out in accordance with appropriate standards

A licensee must ensure that any pipeline operated under the licence is operated and maintained in accordance with the relevant provisions of AS 2885.3—2001.

Maximum penalty: 10 penalty units.

**19 Alterations to pipeline**

- (1) A licensee must not carry out any work involving the permanent alteration of a pipeline that is operated under the licence unless notice in writing of the proposed work has been given to the Director-General setting out a detailed description of the proposed work, including a schematic design (if relevant).  
Maximum penalty: 10 penalty units.
- (2) After receiving a notice under subclause (1), the Director-General may require the licensee concerned to furnish further information on the proposed work.
- (3) A licensee must comply with any requirement made of the licensee under subclause (2).  
Maximum penalty: 10 penalty units.
- (4) This clause does not apply to the alteration of a pipeline in an emergency situation.
- (5) Nothing in this clause authorises the alteration of a pipeline by a licensee that results in a contravention of, or failure to comply with, a condition of the licence.

**20 Alterations to pipelines in emergency**

A licensee who carries out work involving the permanent alteration, in an emergency situation, of a pipeline that is operated under the licence must give notice in writing of the work to the Director-General as soon as practicable after the completion of the work.

Maximum penalty: 10 penalty units.

**21 Report relating to alteration of pipeline**

- (1) A licensee must, within 14 days after completing any work involving the permanent alteration of a pipeline, submit a report in writing to the Director-General containing the following:
  - (a) a statement to the effect that the work has been completed,
  - (b) a reference to the relevant standard, or condition of the licence, in accordance with which the work was carried out.Maximum penalty: 10 penalty units.
- (2) A person must not include any statement or information in a report under this clause that the person knows is false or misleading.  
Maximum penalty: 10 penalty units.

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Clause 22 Pipelines Regulation 2005

Part 4 Design, construction, operation and maintenance of pipelines

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### Division 2 Environment management plans

#### 22 Preparation of environment management plan

- (1) A licensee must not carry out the construction of a pipeline under the licence unless the licensee has submitted to the Director-General an environment management plan with respect to the construction and there is an approval in force under subclause (3) in relation to that plan.  
Maximum penalty: 10 penalty units.
- (2) An environment management plan must include:
  - (a) measures for the protection of the environment from damage during the construction of the relevant pipeline and any ancillary operations, and
  - (b) a plan for the auditing of compliance with, and the effectiveness of, the environment management plan, and
  - (c) such other matters as the Director-General thinks appropriate in relation to the construction concerned and notifies to the licensee.
- (3) The Director-General may approve an environment management plan submitted by a licensee and may revoke an approval, but may only revoke an approval after having given the licensee concerned:
  - (a) written notice of the Director-General's intention to revoke the approval, and
  - (b) an opportunity to make submissions.
- (4) The approval or revocation of an approval under this clause:
  - (a) must be notified to the licensee concerned by notice in writing served on the licensee, and
  - (b) takes effect on the day on which the notice is served or on a later day specified in the notice.

#### 23 Reports of audits of environment management plan

- (1) A licensee must, in accordance with subclause (2), provide a report to the Director-General in relation to each audit required to be carried out under the licensee's environment management plan.  
Maximum penalty: 10 penalty units.
- (2) The report must be provided to the Director-General within 7 days after the completion of the audit to which it relates and must include the following:
  - (a) the results of the audit,



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- (b) any measures proposed to be undertaken by the licensee to comply with any recommendations of the person carrying out the audit.

**24 Compliance with environment management plan**

A licensee must ensure that all construction work under the licence is carried out in accordance with the licensee's environment management plan.

Maximum penalty: 10 penalty units.

**Division 3 Safety and operating plans**

**25 Licensees to lodge and implement safety and operating plans**

- (1) A licensee must, in accordance with this Division:
  - (a) lodge with the Director-General a safety and operating plan for its pipeline that complies with the requirements of this Division, and
  - (b) implement that plan.Maximum penalty: 10 penalty units.
- (2) The plan must be lodged within 6 months after the commencement of operation of a pipeline.

**26 Matters to be included in safety and operating plans**

A safety and operating plan must comply with the relevant requirements of AS 2885.3—2001 in respect of such plans.

**27 Nomination of persons to audit safety and operating plans**

- (1) A licensee must give the Director-General a nomination in writing of a person as an auditor of the licensee's safety and operating plan at least one month before the person is first required to give a certificate in relation to the plan under this Division.  
Maximum penalty: 10 penalty units.
- (2) A person may not be nominated as an auditor under this clause unless the person is:
  - (a) independent of the licensee, and
  - (b) competent to exercise the functions of an auditor under this Regulation in respect of the licensee's safety and operating plan.
- (3) If the Director-General advises a licensee in writing that a nomination is not accepted or is no longer acceptable, the nomination ceases to have effect for the purposes of this Regulation.

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Clause 28 Pipelines Regulation 2005

Part 4 Design, construction, operation and maintenance of pipelines

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### 28 Initial audits of safety and operating plans

- (1) A safety and operating plan must, when lodged, be accompanied by a report on the plan from a nominated auditor that includes a certificate by the auditor that:
  - (a) the plan complies with this Regulation, and
  - (b) all measures intended to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are in place, and
  - (c) there are properly trained and equipped personnel available to implement the plan.
- (2) The Director-General may, before the expiration of the period within which a safety and operating plan must be lodged by a licensee under clause 25, extend that period by notice in writing if the licensee provides the Director-General with a report from a nominated auditor indicating:
  - (a) an audit has been carried out, and
  - (b) any failure to comply with subclause (1) (a), (b) or (c), and
  - (c) the time within which the licensee has undertaken to rectify any such non-compliance, and
  - (d) the measures that the licensee proposes to take to rectify any such non-compliance.

### 29 Periodical audits of safety and operating plans

- (1) A licensee must lodge with the Director-General in respect of its safety and operating plan a report on the plan from a nominated auditor that complies with subclause (2):
  - (a) within the period of 28 days after each anniversary of the grant of the licence, or
  - (b) within such other periods of a lesser frequency as the Director-General approves in writing in relation to the particular licensee.

Maximum penalty: 10 penalty units.
- (2) The report must include a certificate by the nominated auditor that:
  - (a) the measures implemented to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are being maintained, and
  - (b) there are properly trained and equipped personnel available to maintain the plan, and

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- (c) the plan is adequate and appropriate having regard to any changes, since the previous audit certificate was issued, to:
    - (i) the pipeline (including its apparatus or works), or
    - (ii) the pipeline's method of operation, or
    - (iii) the pipeline's operating, control or monitoring systems, that impact on the integrity or reliability of the pipeline, and
  - (d) any measures to rectify non-compliance with the plan detected in any previous audit have been undertaken and are effective.
- (3) The Director-General may, before the expiration of a period within which a certificate must be lodged by a licensee under subclause (1), extend that period by notice in writing if the licensee provides the Director-General with a report from a nominated auditor indicating:
- (a) an audit has been carried out, and
  - (b) any failure to comply with the safety and operating plan, and
  - (c) the time within which the licensee has undertaken to rectify any such non-compliance, and
  - (d) the measures that the licensee proposes to take to rectify any such non-compliance.
- (4) The Director-General may revoke an approval referred to in subclause (1) in relation to a licensee by notice in writing served on the licensee.
- (5) Any such revocation takes effect on the day on which the notice is served or on a later day specified in the notice.

**30 Director-General may direct amendment of safety and operating plans**

- (1) If the Director-General is of the opinion:
- (a) that a licensee's safety and operating plan will not produce a safe outcome, or
  - (b) that its implementation has given rise to, or may give rise to, an unsafe situation,
- the Director-General may, by order in writing, direct the licensee to amend the plan in such manner, and within such period of time, as is specified in the order.
- (2) A licensee must comply with any direction under this clause and must furnish a copy of the amended safety and operating plan to the Director-General within 7 days after complying with the direction.
- Maximum penalty (subclause (2)): 10 penalty units.

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Clause 31 Pipelines Regulation 2005

Part 4 Design, construction, operation and maintenance of pipelines

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### 31 Availability of safety and operating plans

A licensee:

- (a) must cause a complete and up-to-date copy of its safety and operating plan (including any amendments required to be made to the plan under clause 30) to be kept at its principal office, and
- (b) must cause complete and up-to-date copies of the plan (including those amendments) to be made available to persons involved in the implementation of the plan and to the Director-General.

Maximum penalty: 10 penalty units.

### 32 Director-General may direct compliance with safety and operating plans

- (1) If the Director-General is of the opinion that a licensee is not:
  - (a) complying with the requirements of its safety and operating plan or any codes, standards or specifications set out or referred to in that plan, or
  - (b) following any procedures set out or referred to in that plan,the Director-General may, by order in writing, direct the licensee to take such action, within such time, as is specified in the order to comply with those requirements, codes, standards or specifications or follow those procedures.
- (2) A licensee must comply with any direction under this clause.

Maximum penalty (subclause (2)): 10 penalty units.

## Division 4 General

### 33 Person-in-charge

- (1) Before commencing the construction, maintenance or operation of a pipeline under a licence, the licensee:
  - (a) must appoint a person as person-in-charge who is authorised by the licensee to oversee the construction, maintenance and operation of the pipeline on behalf of the licensee, and
  - (b) must advise the Director-General in writing of the appointment (including the name and address of the appointee and the appointee's acknowledgment of the appointment).

Maximum penalty: 10 penalty units.

- (2) Within 7 days after a person ceases to be appointed as a person-in-charge, the licensee:
  - (a) must appoint another person in that person's place, and

- 
- (b) must advise the Director-General in writing of the appointment (including the name and address of the appointee and the appointee's acknowledgment of the appointment).

Maximum penalty: 5 penalty units.

**34 Disturbance of lands**

- (1) A licensee must carry out all activities authorised by the licence in such a manner as not to interfere with the existing use of land to a greater extent than may be necessary.

Maximum penalty: 10 penalty units.

- (2) At the conclusion of the construction of a pipeline and any other associated activities authorised by a licence, the licensee must ensure that the surface of the land is restored as nearly as practicable to the condition in which it was immediately before the commencement of the construction or activities.

Maximum penalty: 10 penalty units.

**35 Public thoroughfare**

A licensee must preserve a free, uninterrupted and safe passage to, along and over a public road during construction, maintenance or operation of a pipeline on, under, over or through the road, except as otherwise approved by the public or local authority responsible for the road.

Maximum penalty: 10 penalty units.

**36 Damage by other persons**

A person must not, without the prior approval of the licensee, damage or occupy any land used for the construction or operation of a pipeline if the damage or occupation would result in interference to the construction or operation of the pipeline or the licensee's lawful access to the pipeline or the site of the proposed pipeline.

Maximum penalty: 10 penalty units.

## 2005 No 456

Clause 37 Pipelines Regulation 2005

Part 5 Reporting and inspection

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### Part 5 Reporting and inspection

#### Division 1 Reporting of accidents and emergencies

##### 37 Escape or ignition of substances

- (1) Immediately after becoming aware of the uncontrolled escape of any substance from a pipeline, or the ignition of any substance being conveyed in a pipeline, the licensee must cause the Director-General to be notified of the escape or ignition by facsimile transmission or by telephone.

Maximum penalty: 10 penalty units.

- (2) Within 7 days after completing any repairs to the pipeline made necessary by the escape or ignition, the licensee must cause a written report to be sent to the Director-General giving full information as to:

- (a) the time and place of the escape or ignition, and
- (b) the approximate quantity of the substance that has escaped, and
- (c) the damage, if any, that has resulted from the escape or ignition, and
- (d) the conditions that caused or contributed to the escape or ignition, as they become known, and
- (e) the nature and description of the repairs that have been carried out and the method that has been adopted to carry out the repairs.

Maximum penalty: 10 penalty units.

- (3) The obligations imposed on a licensee by this clause extend to a person appointed by the licensee as a person-in-charge under this Regulation, but if either the licensee or the person-in-charge complies with the requirements of this clause, the other is excused from such compliance.

##### 38 Reports of accidents

- (1) If a person is killed or injured by reason of an accident involving the construction, maintenance or operation of a pipeline, the licensee must cause written notice of that fact to be sent to the Director-General:

- (a) within 24 hours, in the case of death or serious injury, or
- (b) within 21 days, in any other case.

Maximum penalty: 10 penalty units.

- (2) The notice must specify the nature of the accident and the number of persons killed or injured and, in the case of injured persons, a description of the injuries.

- (3) The obligations imposed on a licensee by this clause extend to a person appointed by the licensee as a person-in-charge under this Regulation, but if either the licensee or the person-in-charge complies with the requirements of this clause, the other is excused from such compliance.
- (4) In this clause, *serious injury* means any injury requiring treatment at a hospital.

### **39 Report of emergencies and unplanned disruptions**

A licensee must cause the Director-General to be notified immediately, by facsimile transmission or by telephone, of any event relating to the activities carried out under the licence that:

- (a) requires the carrying out of emergency procedures under the licensee's safety and operating plan, or
- (b) is unplanned and causes a disruption to the operation of a pipeline, or to the conveyance of a product through a pipeline, under the licence.

Maximum penalty: 10 penalty units.

## **Division 2 Reporting of operations**

### **40 Routine reports**

A licensee must forward the following information, in writing, to the Director-General within 28 days after obtaining the information:

- (a) any review of the suitability of pressure-control and over-pressure protection systems carried out in accordance with AS 2885.3—2001,
- (b) any investigation of the condition of a pipeline and any limits for its continued safe operation beyond its design life carried out in accordance with AS 2885.3—2001,
- (c) the results of any testing of the integrity of the pipeline carried out as the result of a particular occurrence,
- (d) any periodic audit and assessment of a pipeline carried out in accordance with AS 2885.3—2001,
- (e) the results of any planned emergency simulations.

Maximum penalty: 10 penalty units.

### **41 Annual report**

Within 28 days after each anniversary of the grant of a licence, the licensee must provide a written report to the Director-General that includes the following matters:

## 2005 No 456

Clause 41 Pipelines Regulation 2005

Part 5 Reporting and inspection

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- (a) any changes in the ownership of the land to which the licence relates and a summary of any contact made with any new landowners undertaken in accordance with AS 2885.3—2001,
- (b) any damage caused to the landowners of the land to which the licence relates that required the licensee to make repairs or to pay the costs of repairs,
- (c) a summary of any pipeline surveillance carried out in accordance with AS 2885.3—2001, and the results of the surveillance, including information on the following:
  - (i) the use by the licensee, and the effectiveness, of the system known as the *one-call system*, that is, a system to enable persons to locate buried assets before excavating land,
  - (ii) any activity that affects or could affect the pipeline that was carried out by a person other than the licensee,
  - (iii) any inspection of any tunnels, shafts or valve pits for structural integrity, leaks and operational condition,
  - (iv) access to, or security of, the pipeline and pipeline facilities, including locks, gates, fences and vegetation,
  - (v) the condition and maintenance of warning signs and notices,
  - (vi) the placement of fill on or near the pipeline,
  - (vii) the placement of fencing or lighting, or power or telegraph poles, on or along the pipeline route,
- (d) details of the monitoring of the pipeline integrity, and any inspections and assessments, carried out in accordance with AS 2885.3—2001, including:
  - (i) any pipeline or coating repairs carried out as a result of any such monitoring, inspection or assessment, and
  - (ii) the condition of any coating of above-ground pipework, and
  - (iii) an assessment of the performance of any cathodic protection systems for below-ground pipework,
- (e) details of any unplanned or abnormal incidents in the operation of the pipeline that could have an effect on the long-term safety of the pipeline, including over-pressurisation, excessive temperature change, operational disruptions and equipment failures,
- (f) a summary of any measures taken to ensure community awareness of the pipeline and any safety issues relating to the licensee's activities under the licence.

Maximum penalty: 10 penalty units.



**42 Five-yearly reports**

Every 5 years, within 28 days after the anniversary of the grant of a licence, the licensee must provide a report in writing to the Director-General that includes the following:

- (a) any review, investigation or test relating to the maximum allowable operating pressure of the pipeline and carried out in accordance with AS 2885.3—2001,
- (b) any review of the classification of the locations along the pipeline carried out in accordance with that standard.

Maximum penalty: 10 penalty units.

## 2005 No 456

Clause 43            Pipelines Regulation 2005

Part 6                Compensation

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### Part 6    Compensation

#### 43    Compensation (section 22A)

- (1) In this clause:
  - the Acquisition Act* means the *Land Acquisition (Just Terms Compensation) Act 1991*.
  - the Pipelines Act* means the *Pipelines Act 1967*.
- (2) For the purposes of section 22A (2) of the Pipelines Act:
  - (a) a reference in the Acquisition Act to an acquisition notice is to be read as a reference to a notification under section 21 (1) of the Pipelines Act, and
  - (b) a reference in the Acquisition Act to the acquisition of land is to be read as a reference to the vesting of lands or easements under section 21 (2) of the Pipelines Act, and
  - (c) a reference in the Acquisition Act to the date of acquisition of land is to be read as a reference to the date of publication of the relevant notification by which lands or easements have become vested in a licensee under section 21 (2) of the Pipelines Act, and
  - (d) a reference in the Acquisition Act to a public purpose is to be read as a reference to any purpose for which lands or easements may be vested in a licensee under section 21 (2) of the Pipelines Act.
- (3) In the application of Divisions 3, 4 and 5 of Part 3 of the Acquisition Act for the purposes of section 22A of the Pipelines Act:
  - (a) a reference in the Acquisition Act to an authority of the State is to be read as a reference to a licensee under the Pipelines Act except in sections 42 (4), 56 (2) and 60 (6) (b), and
  - (b) a reference in sections 42 (4), 56 (2) and 60 (6) (b) of the Acquisition Act to the Minister responsible for an authority of the State (or the Minister responsible for the authority of the State) is to be read as a reference to the Minister administering the Pipelines Act, and
  - (c) a reference in section 60 (2) (b) of the Acquisition Act to the Minister is to be read as a reference to the Minister administering the Pipelines Act, and
  - (d) a reference in section 51 (5) of the Acquisition Act:
    - (i) to payment to the Treasurer for payment into the Consolidated Fund is to be read as a reference to payment to the licensee, and

- (ii) to any payment of the compensation concerned required to be made being made from the Consolidated Fund is to be read as a reference to any payment of the compensation concerned required to be made being made by the licensee.

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Clause 44 Pipelines Regulation 2005

Part 7 Miscellaneous

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### Part 7 Miscellaneous

#### 44 Delegation of Minister's functions (section 4A)

For the purposes of section 4A of the Act, the functions of the Minister under the following provisions of the Act are prescribed:

- (a) section 5,
- (b) section 5B,
- (c) sections 5F and 5G,
- (d) section 7,
- (e) section 25,
- (f) sections 28 and 29,
- (g) sections 42, 43, 45, 48–50 and 51.

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

For the purposes of section 23 (2) of the Act:

- (a) the prescribed form of application for a direction as to the conveyance of substances is Form 16, and
- (b) the prescribed manner of making such an application is by lodging it with the Director-General.

#### 46 Marking of route of pipeline (section 27)

- (1) For the purposes of section 27 of the Act, the prescribed manner in which the route of a pipeline must be marked is as set out in this clause.
- (2) The licensee must erect at the following points signs indicating the route of the pipeline in respect of which the licence is held:
  - (a) at each point where the pipeline crosses the boundary of a property, highway, road, railway, river or stream,
  - (b) at each abrupt change of direction of the pipeline,
  - (c) at each point where the pipeline crosses a significant service, such as:
    - (i) a telecommunications or electric power cable, or
    - (ii) a major pipeline or drain (including a major water pipeline, sewer or buried stormwater drain),
  - (d) if the pipeline:
    - (i) runs alongside a highway, road or railway, or

- 
- (ii) is on land other than land classified as Class R1 or equivalent in AS 2885.3—2001, at such intervals as will enable each sign to be visible from the sites of the next adjacent signs but not, in any case, at intervals exceeding 500 metres,
      - (e) if the pipeline is on land classified as Class R1 or equivalent in AS 2885.3—2001, at such intervals as will enable each sign to be visible from the sites of the next adjacent signs but not, in any case, at intervals exceeding 1 kilometre.
    - (3) The sign:
      - (a) must indicate the location of the pipeline, its description, the name of the pipeline operator and an appropriate telephone number for the purpose of contact in an emergency, and
      - (b) must contain a statement directing excavators to contact the pipeline operator before digging near the pipeline, and
      - (c) must be double-sided, and
      - (d) must comply with the requirements of AS 2885.1—1997.
    - (4) The licensee must maintain each sign so that, at all times, it is legible and is visible from the next adjacent signs.

#### **47 Damage and removal of signs**

- (1) A person must not damage or remove a sign erected in accordance with section 27 of the Act.  
Maximum penalty: 10 penalty units.
- (2) If a pipeline in respect of which signs have been erected in accordance with section 27 of the Act is removed, the licensee must also remove the signs.  
Maximum penalty: 10 penalty units.

#### **48 Licence fees: maximum annual fee per kilometre of pipeline (section 37)**

For the purposes of section 37 (1) of the Act, \$500 is prescribed as the maximum annual fee per kilometre, or portion of a kilometre, of pipeline that may be determined by the Minister.

#### **49 Application of Local Government Act 1993 to apparatus and works (section 40)**

The following apparatus and works are prescribed for the purposes of section 40 (1A) of the Act:

- (a) despatching and receiving terminals and stations,
- (b) on-line compressor and pumping stations,

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Clause 50 Pipelines Regulation 2005

Part 7 Miscellaneous

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- (c) meter and control stations,
- (d) scraper stations,
- (e) storage tanks,
- (f) maintenance depots.

### **50 Applications for transfer of permit or licence (section 42)**

- (1) For the purposes of section 42 (3) of the Act, the prescribed form for an instrument of transfer of a permit or licence is Form 17.
- (2) For the purposes of section 42 (8) of the Act, the prescribed fee for registration of the transfer of a permit or licence is the fee specified with respect to registration in Schedule 1.

### **51 Application for registration of interest that has devolved by law (section 43)**

For the purposes of section 43 (2) of the Act, the prescribed fee for registration of a person as the holder of a permit or licence is the fee specified with respect to registration in Schedule 1.

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

For the purposes of section 45 (7) of the Act, the prescribed fee for registration of the approval of an instrument is the fee specified with respect to registration in Schedule 1.

### **53 Inspection of register and documents (section 50)**

For the purposes of section 50 (1) of the Act, the prescribed fee for inspection of the register and registered instruments is the fee specified with respect to inspection in Schedule 1.

### **54 Pipeline searches (section 50A)**

For the purposes of section 50A (2) (b) of the Act, the prescribed fee for an application for information is the fee specified with respect to such an application in Schedule 1.

### **55 Evidentiary certificates (section 51)**

- (1) For the purposes of section 51 (2) of the Act, the prescribed fee for the supply of copies of or extracts from the register, or of or from any instrument lodged with the Minister, is the fee specified with respect to an application for the supply in Schedule 1.
- (2) For the purposes of section 51 (3) of the Act, the prescribed fee for a certificate under that subsection is the fee specified with respect to such a certificate in Schedule 1.

**56 Surveying of pipelines**

A survey carried out for the purposes of the Act must be carried out in accordance with the *Surveying Regulation 2001*.

**57 Savings**

Any act, matter or thing that had effect under the *Pipelines Regulation 2000* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

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### Pipelines Regulation 2005

#### Schedule 1 Fees

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## Schedule 1 Fees

(Clauses 4, 5, 7, 8, 10–13 and 50–55)

	<b>\$</b>
1 Application for authority to enter lands under section 5E of the Act (clause 4)	2,200
2 Application for permit under section 6 of the Act (clause 5):	
(a) if the proposed pipeline is 1 kilometre or less in length	710
(b) if the proposed pipeline is more than 1 kilometre in length	1,400
3 Application under section 7A of the Act to vary application for permit (clause 7)	350
4 Application under section 9A of the Act for variation of permit (clause 8)	350
5 Application for licence under section 13 of the Act (clause 10)	2,640
6 Application under section 13A of the Act to vary application for licence (clause 11)	350
7 Application under section 16 of the Act for renewal of licence (clause 12)	710
8 Application under section 18 of the Act for variation of licence area (clause 13)	50
9 Registration of transfer under section 42 of the Act (clause 51)	710
10 Registration as holder under section 43 of the Act (clause 52)	110
11 Registration of approval to an instrument creating etc a legal or equitable interest affecting an existing or future permit or licence under section 45 of the Act (clause 53)	50
12 Inspection of register and registered instruments under section 50 of the Act (clause 54)	10
13 Application for information under section 50A of the Act concerning any application made or granted for a permit or licence in respect of land specified in the application (clause 55):	
(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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		<b>\$</b>
14	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 56 (1))	\$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
15	Certificate by the Minister as to an entry, matter or thing under section 51 of the Act (clause 56 (2))	14

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## 2005 No 456

Pipelines Regulation 2005

Schedule 2 Requirements for instruments to accompany plans

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### **Schedule 2 Requirements for instruments to accompany plans**

(Clause 15)

- 1 Each sheet must bear an appropriate heading establishing identity with the pipeline plan.
- 2 Each sheet must bear a statement clearly indicating its individual sheet number together with the total of the number of sheets in the instrument.
- 3 The instrument must be flat and free from blemishes or creases caused by folding or otherwise.
- 4 Each sheet must be signed by the applicant or by some other person duly authorised by the applicant.
- 5 Part 1 of the instrument must state the full and correct name and address of the applicant.
- 6 The schedule to Part 2 of the instrument:
  - (a) must state the details of the lands or easements to be acquired for the purposes of the pipeline in a numbered order following the continuity of the pipeline, and
  - (b) must relate each to the plan sheet on which it is illustrated.
- 7 Part 3 of the instrument:
  - (a) must group each category of easements that are in the same terms, and
  - (b) must relate each group to the easement numbers allotted in the schedule to Part 2 of the instrument, and
  - (c) must refer to the easements in the same way as in the panel of the plan sheet.
- 8 Part 4 of the instrument must set out (in the same order as in Part 3 of the instrument) the text of each easement referred to in Part 3, but it is unnecessary to set out the text of an easement in Part 4 if the easement:
  - (a) is identified by reference to the registration number of an instrument, registered in the office of Land and Property Information, by which the easement was created (or by reference to an instrument that, on registration in that office, will create the easement), or

- 
- (b) is expressed in Part 3 as an *easement for pipeline* or *easement for access* (and, if that expression has been altered by the addition of a proviso, the proviso is recited in Part 4).
- 9** The schedule to Part 5 of the instrument:
- (a) must state the details of the lands to be excluded or easements to be extinguished in a numbered order following the continuity of the pipeline, and
- (b) must relate each to the plan sheet on which it is illustrated.
- 10** The details of the lands or easements must include:
- (a) a heading or headings within each schedule sheet, showing the relevant county and parish and locality of the lands and the easements over lands listed in that sheet, and
- (b) the reference to title and description of all lands affected in fee or by easement, and
- (c) the full and correct name of the owner of the lands, and
- (d) details of any instruments registered in the office of Land and Property Information that vest any of the lands or easements over lands in the applicant, and
- (e) details of any instruments intended to be lodged for registration in the office of Land and Property Information that vest or are intended to vest any of the lands or easements over lands.
- 11** For the purposes of this Regulation:
- (a) in any instrument purporting to create an easement for a pipeline, the expression *easement for pipeline* has the same effect as if there had been used instead the words contained in Form 18, and
- (b) in any instrument purporting to create an easement for access to a pipeline, or for access to apparatus or works, the expression *easement for access* has the same effect as if there had been used instead the words contained in Form 19.
- 12** The meanings of the expressions *easement for pipeline* and *easement for access* may be altered by the addition of provisos.

## 2005 No 456

Pipelines Regulation 2005

Schedule 3 Forms

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### Schedule 3 Forms

(Clause 3 (2))

#### Form 1 Application for authority

(Clause 4)

(Pipelines Act 1967, section 5E)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies for an authority to survey for the purpose of investigating possible routes for a pipeline.

- 1 The following particulars are supplied:
  - (a) Business address
  - (b) Place of registered office in New South Wales
  - (c) Date of incorporation
  - (d) The purpose of the pipeline, with approximate throughput
  - (e) Expected date of commencement of surveys
  - (f) Expected date of completion of surveys
- 2 Accompanying this application are:
  - (a) maps showing the location of the lands in respect of which this application is made, indicating the starting and finishing points of the proposed pipeline, and
  - (b) a schedule showing particulars of:
    - (i) the technical qualifications of the applicant and the applicant's employees, and
    - (ii) the technical advice available to the applicant, and
    - (iii) the financial resources available to the applicant, and
    - (iv) the names of 2 representatives of the applicant with whom the Department of Energy, Utilities and Sustainability may liaise for the purpose of processing this application, and
  - (c) the prescribed fee.
- 3 The application and all accompanying documents are submitted in triplicate.

[*Signature of applicant*]

[*Date*]

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**Form 2 Application for permit**

(Clause 5)

(Pipelines Act 1967, section 6)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies for a permit to enter lands for the purpose of determining the route of a proposed pipeline, the situation of any proposed apparatus or works and the lands (if any) to be used for the purpose of gaining access to the proposed pipeline and any proposed apparatus or works referred to in this application and the accompanying proposal, plan and other documents.

- 1** The following particulars are supplied:
  - (a) Business address
  - (b) Place of registered office in New South Wales
  - (c) Date of incorporation
  - (d) Substance intended to be conveyed by pipeline
  - (e) Expected date of commencement of surveys
  - (f) Expected date of completion of surveys
  
- 2** Attached are:
  - (a) the proposal for construction of the pipeline, and
  - (b) a plan showing approximate route of pipeline and approximate situation of apparatus and works, and
  - (c) a schedule specifying the lands in respect of which the permit is applied for, and
  - (d) a schedule showing particulars of:
    - (i) the technical qualifications of the applicant and the applicant's employees, and
    - (ii) the technical advice available to the applicant, and
    - (iii) the financial resources available to the applicant, and
  - (e) a copy of each notification published under section 6 (5) of the Act, and
  - (f) evidence of arrangement made for continuous supplies of the substance to be conveyed by the pipeline, and
  - (g) the prescribed fee.
  
- 3** This application and all accompanying documents are submitted in quintuplicate.

[*Signature of applicant*][*Date*]

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Pipelines Regulation 2005

Schedule 3 Forms

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### Form 3 Notice of application for permit/variation of application for permit/variation of permit

(Clauses 6, 7 and 8)

(Pipelines Act 1967, sections 7, 7A and 9A)

An application has been made to the Minister for Utilities, Sydney, by [name] of [address] for a permit (OR)

for variation of an application for a permit (OR)

for variation of a permit

to enter lands for the purpose of determining the route of a proposed pipeline for the conveyance of [name of substance conveyed] to be used for the purpose of gaining access to the proposed pipeline and any proposed apparatus or works. A plan is attached showing approximately the route of the pipeline, the situation of any apparatus or works and the route for gaining access so far as they affect

your lands (OR)

lands in your district

If the application is granted the applicant will be entitled to enter lands for the purposes stated above.

Written requests for information may be made to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability. Any written representation with respect to the application may be addressed to the Minister for Utilities.

[Signature of applicant]

[Date]

### Form 4 Declaration by applicant for permit/variation of application for permit/variation of permit

(Clauses 6, 7 and 8)

(Pipelines Act 1967)

I, [name] of [address] in the State of New South Wales, declare that:

- 1 [name of applicant] is an applicant for a permit (OR) for variation of an application for a permit (OR) for variation of a permit under the *Pipelines Act 1967*.
- 2 All appropriate searches and inquiries have been diligently made to ascertain all persons entitled to be served with notice under section 7 of the Act.
- 3 The applicant has, in accordance with section 7, caused a notice in or to the effect of Form 3 of the *Pipelines Regulation 2005* to be served:
  - (a) on each council and county council in whose area any part of the pipeline or apparatus and works referred to in the application is to be constructed and any route of gaining access is to be acquired, and

- 
- (b) on each owner and each occupier, if any, of lands on which any part of the pipeline or apparatus and works referred to in the application is to be constructed and any route of gaining access is to be acquired.

**4** All the notices were served:

- (a) within a period of 90 days after the date of making the application, (OR)  
 (b) within the extended time allowed by the Minister, that is, before *[date]*.

**5** The last of the notices was served on *[date]*.

**6** The above statements are true to the best of my knowledge and belief.

**7** I am authorised to make this declaration on behalf of the applicant.

*[Signature]*

*[Date]*

## **Form 5 Application for variation of application for permit**

(Clause 7)

(Pipelines Act 1967, section 7A)

*[Name of applicant]* applies for a variation of the application for a permit dated *[date]* and lodged *[place of lodgment]* to enter lands for the purpose of determining the route of a proposed pipeline for the conveyance of *[name of substance conveyed]* to be used for the purpose of gaining access to the proposed pipeline and any proposed apparatus or works.

**1** Attached are:

- (a) reason for variation, and  
 (b) maps showing the location of the lands to be:  
 (i) included (OR)  
 (ii) excluded (OR)  
 (iii) included and other lands excluded, and  
 (c) maps showing the location on the lands referred to in paragraph (b) of:  
 (i) approximate route of the pipeline (OR)  
 (ii) the approximate situation of the apparatus or works (OR)  
 (iii) the lands desired to be entered to determine the lands to be used for the purpose of gaining access to the pipeline and any apparatus or works, and  
 (d) copies of each notification published under section 6 (5) of the Act, and  
 (e) the prescribed fee.

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### Pipelines Regulation 2005

#### Schedule 3 Forms

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- 2** The particulars of:
- (a) the technical qualifications of the applicant and the applicant's employees, and
  - (b) the technical advice available to the applicant, and
  - (c) the financial resources available to the applicant,  
are:
  - (d) now identical to those that accompanied the application for a permit in respect of which this application to vary is made, (OR)
  - (e) set out in the attached schedule.
- 3** This application and all accompanying documents are submitted in quintuplicate.

[Signature of applicant]

[Address]

[Date]

### Form 6 Application for variation of permit

(Clause 8)

(Pipelines Act 1967, section 9A)

To the Minister for Utilities, Sydney.

[Name of permit holder] applies for variation of Permit No [permit number] so that it applies to additional lands.

Attached are:

- (a) reason for requiring additional lands, and
- (b) map showing the location of the additional lands, and
- (c) maps showing the location on the additional lands of:
  - (i) the approximate route of the pipeline (OR)
  - (ii) the approximate situation of the apparatus or works (OR)
  - (iii) the lands desired to be entered to determine the lands to be used for the purpose of gaining access to the pipeline and any apparatus or works, and
- (d) copy of each notification published under section 6 (5) of the Act, and
- (e) the prescribed fee.

This application and all accompanying documents are submitted in quintuplicate.

[Signature of permit holder]

[Address]

[Date]



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**Form 7 Application for licence to construct and operate pipeline**

(Clause 10)

(Pipelines Act 1967, section 13)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies for a licence to construct/alter/reconstruct/operate\* the pipeline referred to in this application and the accompanying plans and other documents.

- 1 The following particulars are supplied:
  - (a) Business address
  - (b) Place of registered office in New South Wales
  - (c) Date of incorporation
  - (d) Permit number and date of granting
  
- 2 Attached are:
  - (a) a schedule giving the particulars required by section 13 (1) (c) of the Act and particulars of any tenures, reserves or dedications under the *Crown Lands Act 1989* or any other Act,
  - (b) a plan drawn in accordance with the *Pipelines Regulation 2005* giving the information prescribed by section 13 (1) (d) of the Act,
  - (c) particulars of agreements entered into, or proposed to be entered into, for the acquisition of, or of easements over, the lands shown in the plan as prescribed by section 13 (1) (e) of the Act,
  - (d) particulars of lands and easements as prescribed by section 13 (1) (f) of the Act,
  - (e) a copy of each notification published in accordance with section 13 (3) of the Act,
  - (f) the instrument prescribed by clause 15 of the *Pipelines Regulation 2005*, and
  - (g) the prescribed fee of \$ [*amount*].
  
- 3 This application and all accompanying documents are submitted in quintuplicate.

[*Signature of applicant*]

[*Date*]

\*Delete whichever does not apply.

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### Form 8      Notification of intention to apply for licence

(Clause 10)

(Pipelines Act 1967, section 13 (3))

It is notified that [*name of permittee*] of [*address*]

- (a) having been granted by the Minister for Utilities in terms of section 8 of the Act a permit to enter the lands specified in the permit and to carry out on those lands such surveys as the permittee considers necessary for the purpose of determining the route of the pipeline referred to in the permit and the situation of any apparatus or works, and
- (b) having now carried out such surveys,

intends to apply immediately to the Minister for the granting by the Governor in terms of section 15 of the Act of a licence to construct and operate the pipeline referred to in the permit.

Each owner and occupier of land affected by the proposed pipeline has already been notified of the proposal. Inquiries for information may be addressed to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability.

[*Date*]

### Form 9      Application for variation of an application for pipeline licence

(Clause 11)

(Pipelines Act 1967, section 13A)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies to amend application for licence No [*licence number*]

**1**      Attached are:

- (a) a statement giving particulars of the proposed amendment and reasons for the amendment, and
- (b) a plan showing the location of:
  - (i) the proposed variation of the route of the pipeline, (OR)
  - (ii) the proposed variation of the situation of any apparatus or works, (OR)
  - (iii) the proposed variation of the means of gaining access to the pipeline or any apparatus or works,and identifying the additional lands or easements referred to in paragraph (d), and
- (c) particulars of agreements entered into or proposed to be entered into by the applicant for the acquisition of, or of easements over, the additional lands shown in the plan, and
- (d) particulars of the additional lands, or of the easements over the additional lands, agreed to be acquired or proposed to be acquired, and

- 
- (e) copies of the notification published in accordance with section 13A (7) of the Act (not required if the application is for a minor variation), and
  - (f) a plan showing the location on the lands within the licence application area of any lands proposed to be excluded, and
  - (g) any other matters for the consideration of the Minister, and
  - (h) the prescribed fee.

**2** This application and the accompanying documents are submitted in quintuplicate.

[*Signature of applicant*]

[*Business address of applicant*]

[*Date*]

### **Form 10 Notification of intention to apply for variation of an application for licence**

(Clause 11)

(Pipelines Act 1967, section 13A (7))

It is notified that [*name of applicant*] of [*business address*]

being the applicant in application for licence No [*licence number*] under the *Pipelines Act 1967* intends to apply to the Minister to amend the application by varying the area in respect of which that application was made so as to include additional lands in the area.

Below is a map showing the lands intended to be included and:

- (a) the proposed variation of the route of the pipeline, (OR)
- (b) the proposed variation of the situation of any apparatus or works, (OR)
- (c) the proposed variation of the means of gaining access to the pipeline or any apparatus or works.

A description of the lands intended to be included is set out in the schedule below.

Written requests for information relating to matters contained in this application may be made to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability.

[*Signature of applicant*]

[*Date*]

#### **Schedule**

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### Form 11    Application for renewal of licence

(Clause 12)

(Pipelines Act 1967, section 16)

To the Minister for Utilities, Sydney.

[*Name of licensee*] applies for a renewal of licence No [*licence number*] for a period of not more than [*period*].

The renewal of the licence is required for the purpose of [*purpose*].

The prescribed fee of \$ [*amount*] is attached.

This application is submitted in quintuplicate.

[*Signature of licensee*]

[*Business address of licensee*]

[*Date*]

### Form 12    Application for variation of licence area

(Clause 13)

(Pipelines Act 1967, section 18)

To Her Excellency the Governor/His Excellency the Governor, Sydney.

[*Name of licensee*] applies for a variation of the licence area held under licence No [*licence number*]

**1**      Attached are:

- (a)    a statement giving particulars of the proposed variation and reasons for the variation, and
- (b)    a plan showing the location on the lands included in the licence area of:
  - (i)    the proposed variation of the route of the pipeline, (OR)
  - (ii)   the proposed variation of the situation of any apparatus or works, (OR)
  - (iii)  the proposed variation of the means of gaining access to the pipeline or any apparatus or works,and identifying the additional lands or easements over lands referred to in paragraph (d), and
- (c)    particulars of agreements entered into or proposed to be entered into by the applicant for the acquisition of, or of easements over, the additional lands shown in the plan, and
- (d)    particulars of the additional lands, or of the easements over the additional lands, acquired or agreed to be acquired, or in respect of which no agreement for acquisition by the applicant has been reached, and
- (e)    copies of the notification published under section 18 (7) of the Act (not required if the application is for a minor variation), and

- 
- (f) a plan showing the location on the lands within the licence area of any lands proposed to be excluded, and
  - (g) any other matters for the consideration of the Minister, and
  - (h) the prescribed fee.

**2** This application and the accompanying documents are submitted in quintuplicate.

[*Signature of licensee*]

[*Business address of licensee*]

[*Date*]

**Form 13 Notification of intention to apply for variation of licence area**

(Clause 13)

(Pipelines Act 1967, section 18 (7))

It is notified that [*name of licensee*] of [*business address*]

being the holder of Licence No [*licence number*] under the *Pipelines Act 1967* intends to apply to the Governor for a variation of the licence area by including additional lands in it.

Below is a map showing the lands intended to be included and:

- (a) the proposed variation of the route of the pipeline, (OR)
- (b) the proposed variation of the situation of any apparatus or works, (OR)
- (c) the proposed variation of the means of gaining access to the pipeline or any apparatus or works.

A description of the lands intended to be included is set out in the schedule below.

Written requests for information may be made to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability.

[*Date*]

**Map**

**Schedule**

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**Form 14    Statement of intention regarding easements**

(Clause 14)

(Pipelines Act 1967)

Pursuant to the *Pipelines Act 1967*, it is intended to acquire:

- 1      Easement
- 2      Easement

**Form 15    Instrument to accompany plan**

(Clause 15)

(Pipelines Act 1967)

Plan No [number] (This is Sheet [sheet number] of a [number] Sheet Instrument)

Plan of pipeline from [date] to [date] containing [number] plan sheets as certified on [date]

**Part 1**

Full name and address of applicant for licence or variation of licence in whose favour all lands and easements over lands have been acquired or are intended to be acquired.

**Part 2**

Details of lands or easements over lands acquired or intended to be acquired.      See Schedule to this Part.

**Schedule**

Land or easement (related to relevant Sheet No of within-mentioned Plan	Reference to title and land description (including County and Parish)	Name of owner	*Details (Registered No or description of any instrument referred to in Schedule 2 (10) (d) or (e) to <i>Pipelines Regulation 2005</i> )
1			
2			
3			
Etc			

**Part 3**

Identities of easements referred to in abovementioned plan.

(Grouped by categories as prescribed by Schedule 2 (7) to the *Pipelines Regulation 2005*.)

1

2

3

Etc

**Part 4**

Terms of easements referred to in Part 3.

(Set out the text of each easement as prescribed by Schedule 2 (8) to the *Pipelines Regulation 2005*.)

1

2

3

Etc

**Part 5**

Details of lands to be excluded or easements to be extinguished. (See Schedule to this Part.)

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### Schedule

Land or Easement (related to relevant Sheet No of within- mentioned Plan)	Reference to Title and Land Description (including County and Parish)	Name of owner of subject lands	*Details (Registered No or Description of any instrument referred to in Schedule 2 (10) (d) or (e) to <i>Pipelines Regulation 2005</i>
1			
2			
3			
Etc			

*[Signature of applicant]*

\* If applicant desires land to be vested in the applicant under section 21 of the *Pipelines Act 1967*, insert "To be acquired under Pipelines Act". If lands or easements are to be acquired by other means, those means must be specified.

### Form 16 Application for direction as to the conveyance of substances

(Clause 45)

(Pipelines Act 1967, section 23)

To the Minister for Utilities, Sydney.

*[Name of applicant]* applies for a direction by the Minister in terms of section 23 of the Act.

- 1 The business address of the applicant is *[business address]*.
- 2 The matters that the applicant wishes the Minister to consider in relation to this application are set out in the attached statement.

*[Signature of applicant]*

*[Date]*



**Form 17 Instrument of transfer of permit or licence**

(Clause 50)

(Pipelines Act 1967, section 42)

To the Minister for Utilities, Sydney.

[Name of transferor] being the holder of:

- (a) Permit No [permit number] issued by the Minister for Utilities on [date] in terms of section 8 of the Act, (OR)
- (b) Licence No [licence number] granted by the Governor on [date] in terms of section 14 of the Act,

in consideration of [what goes in here?]

the receipt of which is acknowledged, transfers to [name of transferee] of [address of transferee] all right, title and interest in [Permit/Licence] No [number] and the transferee accepts the transfer subject to the *Pipelines Act 1967* and the *Pipelines Regulation 2005* and agrees to be bound by the terms and conditions of [Permit/Licence] No [number]

Executed on

[Witness]

[Signature of Transferor]

[Witness]

[Signature of Transferee]

I approve the above transfer.

[Date]

Minister for Utilities

I have on [date], at [time] am/pm, registered the above transferee as the holder of [Permit/Licence] No [number]

[Registrar]

### **Form 18 Easement for pipeline**

(Schedule 2 (11) (a))

(Pipelines Act 1967)

Full and free right to the person in whose favour the easement is created, its successors and assigns, its and their servants and all persons authorised by it or them to act on its or their behalf at all times and from time to time:

- (a) to lay, construct, repair, maintain, renew, use, operate and remove pipelines, apparatus or works for the conveyance of any substance whether in a gaseous liquid or solid state and for purposes incidental thereto under the *Pipelines Act 1967*, through in and along the land herein indicated as the servient tenement, and
- (b) to cause or permit to flow or be conveyed through and along the said pipelines any such substance, and
- (c) with or without vehicles, plant and equipment to enter and be in the servient tenement for the purpose of exercising any rights granted to it or them hereunder, and
- (d) to perform or carry out any act incidental to any of the aforesaid purposes.

### **Form 19 Easement for access**

(Schedule 2 (11) (b))

(Pipelines Act 1967)

Full and free right for the person in whose favour the easement is created, its successors and assigns, its and their servants and all persons authorised by it or them to act on its or their behalf at all times and from time to time to go, pass and repass with or without vehicles, plant and equipment along over and upon the land herein indicated as the servient tenement for the purpose of access to any lands for constructing, using or operating any pipeline, apparatus or works under the provisions of the *Pipelines Act 1967* including the inspection, maintenance, repair, reconstruction and removal of the same and for any other purpose connected with or incidental to any of the aforesaid purposes.