



# Petroleum Division

## Pipeline Licence Application Guideline

### *Petroleum Pipelines Act 1969*

A licence granted under the *Petroleum Pipelines Act 1969* (the Act), authorises the registered holder to construct and operate a pipeline for the conveyance of petroleum (section 4). Prior to applying for a licence, applicants must ensure they are able to address all of the requirements of section 8 of the Act in their application. Lodgement of applications must be via the Department of Mines and Petroleum's (DMP) online Petroleum and Geothermal Register (PGR) system, which is the approved manner for submissions, and include payment of the prescribed fee.

### *Pipeline Licence Application*

Among the components that form a complete application, the applicant must provide a map, with a corresponding ArcGIS file, depicting the **proposed pipeline route**. This should show coordinates of the proposed start and end points, local government areas, town sites, rivers, reserves and other significant land formations associated with the proposed location. The map is used to facilitate the legislative requirement that the Minister advertise (at the applicant's expense) receipt of an application in the Government Gazette and local and state wide newspapers providing advice on where the map may be examined. General practice is to make the map available at DMP's head office, website and

nearest Registrar's Office. Where possible, it is DMP policy that the map will be made available for a period of one month.

In addition to the aforementioned map, a plan must be submitted, again showing the **proposed pipeline route**, but also including the situation of any proposed pumping and compression stations, terminal facilities and other permanent appurtenances of a substantial nature intended to be used in connection with the operation of the proposed pipeline.

The **proposed licence area** for construction of the pipeline must also be depicted by a polygon. The plan must clearly show for each part of the proposed pipeline all lands intended to be used for the purpose of:

- gaining access to the proposed pipeline; and
- constructing and operating any part of the proposed pipeline.

The following supporting documentation, which correlates with the requirements identified above, must also be submitted:

- particulars of any agreements that have been entered into or are proposed to be entered into for the acquisition of lands, or of easements, or licences over lands, shown in the plan;
- particulars of the lands, or particulars of easements, or particulars of licences over the lands, acquired or agreed to be acquired, or in respect of which the applicant will need to acquire for each of the purposes noted above;



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- a list of the coordinates of the **proposed pipeline route** and associated facilities and infrastructure in a spread sheet in Map Grid of Australia coordinates quoting the relevant Zone;
- a request for a lateral deviation from the proposed pipeline route;
- a list of coordinates of the **proposed licence area** for construction in a spread sheet in Map Grid of Australia coordinates quoting the relevant Zone; and
- submission of digital files spatially georeferenced in Map Grid of Australia coordinates as ArcGIS shapefiles (and associated files) must be provided in respect of each point above.

The proposed licence area may be equivalent in size and shape to lands acquired or agreed be acquired, or easements over lands acquired or agreed to be acquired for the purpose, however the licence area must be independently quantifiable and definable within the licence. These are not interchangeable terms and are administered under different Acts and by different departments.

## **Authorised Route**

The lists of coordinates provided are tabled and form part of Annexure 'A' of the granted licence as the **Authorised Route** and the **Construction Phase Licence Area**. The title diagram for the construction phase is mapped from these coordinates.

## **Construction / Lateral Deviation**

Under section 33 of the Act, the construction of a pipeline is to be along the authorised route set out in the licence, subject to deviation from that route within the limits of lateral deviation authorised by the Minister.

The applicant must indicate if the lateral deviation required is to be a uniform distance from the proposed pipeline route for the entire length or indicate in the list of coordinates of the proposed pipeline route the lateral deviation required per part of the pipeline. The required lateral deviation should be indicated in metres and must be within the limits of the proposed licence area for construction.

In addition to the conditions on title that address the timing and construction of the licenced pipeline, the licensee must comply with the Act, with particular attention to section 12, and the requirements of the associated regulations in addition to the requirements of the *Land Administration Act 1997*, the *Transfer of Lands Act 1893*, and any other relevant legislation not administered by DMP.

## **Consent to Operate**

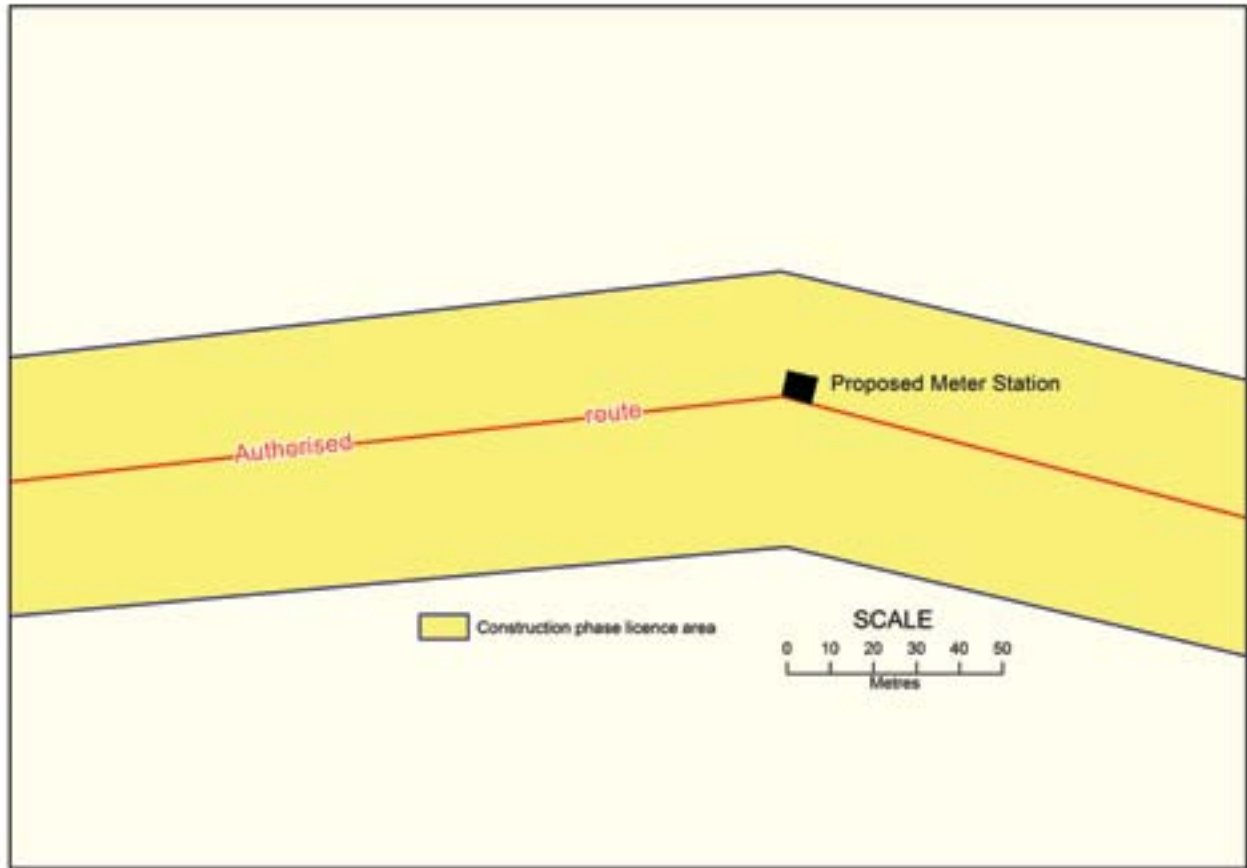
In accordance with section 36 of the Act, a licensee must apply for the consent of the Minister to commence operating the licenced pipeline. The application must include:

- the length of the constructed pipeline;
- submission of digital files spatially georeferenced in Map Grid of Australia coordinates as ArcGIS shapefiles (and associated files) must be provided; and
- a list of coordinates of the licence area for the operation phase of the licence in a spread sheet in Map Grid of Australia coordinates quoting the relevant Zone.

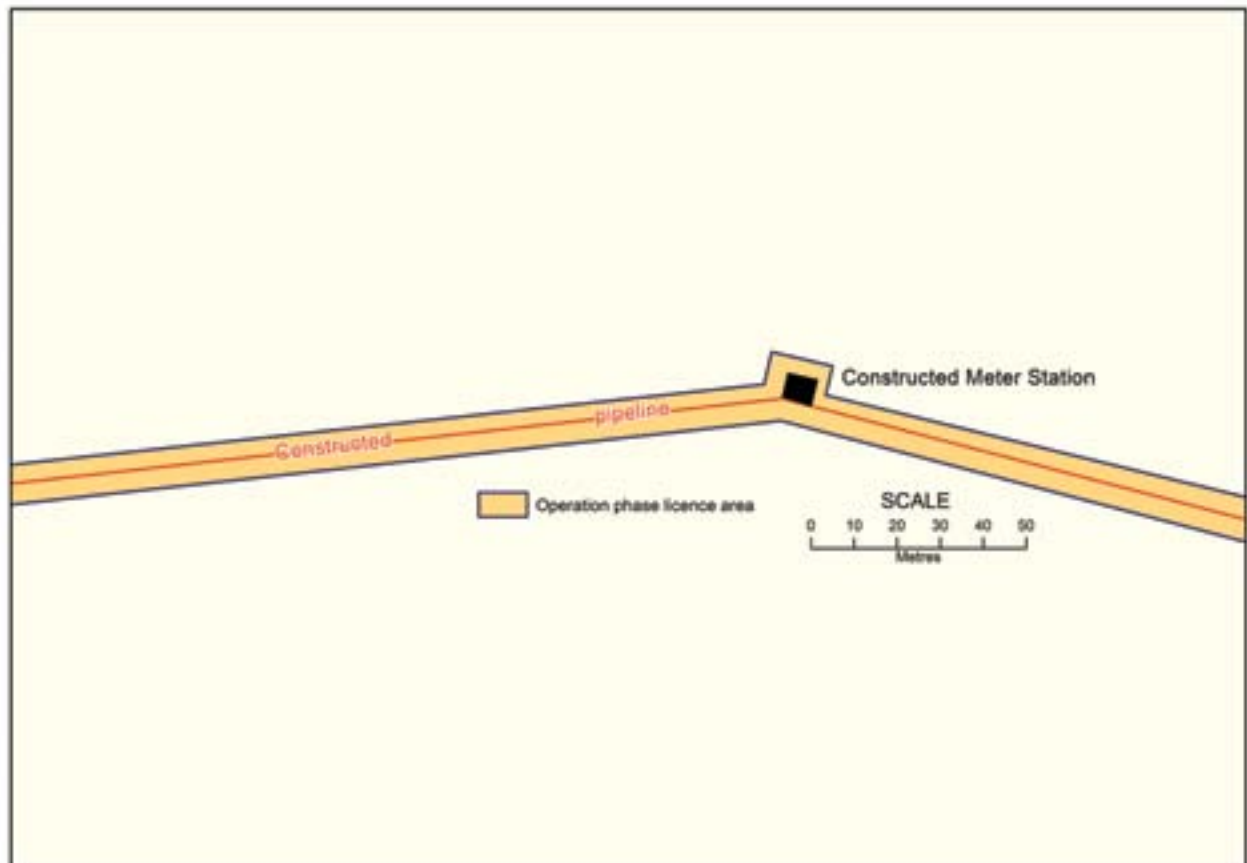
The licence area for the safe operation and ongoing maintenance of the pipeline is usually over a reduced area. It should be understood that the Act does not provide for the licence area to be increased from that defined on the day the licence comes into force.

The licensee must provide the Minister with the precise coordinates of the built pipeline in accordance with the requirements of Regulation 18 of the *Petroleum Pipelines Regulation 1970*. The timing for submission of the surveyed data is dictated in the licence conditions but is generally required to be submitted within 3 months of the Minister's grant of consent to operate under section 36 of the Act. The particulars to be provided include a list of the coordinates in a spreadsheet and in digital format as ArcGIS shapefiles as previously stated.

The coordinates provided are tabled and form the **Constructed pipeline – Table of coordinates** and from which the **Constructed Pipeline and Operation Phase Licence Area – Title diagram** is mapped and both are inserted into Annexure 'A' of the licence.



Example of a construction phase licence area for an authorised route.



Example of an operation phase licence area for a constructed pipeline.

## *Land Access*

Section 12 of the Act makes it a condition of a pipeline licence that the licensee has in place the appropriate land-related rights prior to commencing construction of the pipeline. Breach of a pipeline licence condition can result in cancellation of the licence under section 24.

The Act does not confer land-related rights and nothing in the Act can relieve a licensee from the need to have the appropriate authority to access land to construct or operate a pipeline. Any approval under the Act does not displace any other legal requirement applying to the licensee in relation to land-related rights.

The specific land-related rights required by a licensee will be dictated by the particulars of the pipeline itself and the underlying tenure of land over which it is to be constructed and operated.

The licensee will need to separately acquire land-related rights as a necessary precursor to exercise the authority conferred by a licence.

Easements may be one of the land-related rights to be obtained for the purpose of construction, operation and maintenance of a pipeline and are granted under the *Land Administration Act 1997* and registered under the *Transfer of Lands Act 1893*. An easement, or several easements, and/or miscellaneous licences when granted under the provisions of the *Mining Act 1978*, or other types of land tenure, may be the equivalent size and shape of a pipeline licence area, however, they do not determine the licence area.

Sections 16 through 20 of the Act address land-related rights but only so far as to facilitate the acquisition by a licensee of leases, easements, licences, or other authorities over land.

## *Further Information*

Copies of the relevant legislation can be obtained from the State Law Publisher. This includes:

- [Department of Lands – Easements](#)
- [Department of Regional Development and Lands – State Easements Brochure](#)
- [Land Administration Act 1997](#)
- [Mining Act 1978](#)
- [Petroleum Pipelines Act 1969](#)
- [Petroleum Pipelines Regulations 1970](#)
- [Transfer of Lands Act 1893](#)