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Research Director  
Infrastructure, Planning and Natural Resources Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**BY EMAIL:** [ipnrc@parliament.qld.gov.au](mailto:ipnrc@parliament.qld.gov.au)

**RE: APA GROUP SUBMISSION ON THE PLANNING AND DEVELOPMENT (PLANNING FOR PROSPERITY) BILL 2015  
DRAFT PLANNING AND DEVELOPMENT BILL 2014**

Dear Infrastructure, Planning and Natural Resources Committee,

APA Group (**APA**) welcomes the opportunity to provide comment on the draft *Planning and Development (Planning for Prosperity) Bill 2015 (Bill)* and, in due course, the forthcoming Regulations which will significantly influence the effect of many aspects of the Bill.

On 2 October 2014, APA made submissions regarding the lapsed draft *Planning and Development Bill 2014* and we refer to those submissions to provide background on ourselves and an overview of our interests which apply to the Bill. We **attach** a copy of those submissions for the Committee's ease of reference.

Section 3(3) of the Bill notes that the Bill's purpose is to facilitate Queensland's prosperity, including through ecologically sustainable development that balances economic growth, environmental protection and community wellbeing. APA's objectives closely align with those of the Bill which we, again, strongly endorse. In particular, the principles of environmental protection and community wellbeing underpin our business.

Further, the Bill's purpose is to be achieved by providing for an efficient, effective, transparent, integrated and accountable system for land use planning and development assessment<sup>1</sup> through, among other things, a development assessment system and its constituent assessment processes.

#### **APA as a referral agency**

APA considers that the Bill presents an ideal opportunity to standardise the way in which high pressure gas pipeline operators in Queensland participate in the State's planning system through the three key mechanisms, noted in our earlier submission. In particular, we believe APA should be recorded as a referral agency under the Bill to ensure APA's role in the assessment and response to proposed developments is efficient, effective, transparent, integrated and accountable.

One of APA's key high pressure gas pipelines is the Roma to Brisbane Pipeline, licensed under Pipeline Licence 2 (**PPL2**), which runs from Wullumbilla, near Roma, to Murrarrie in Brisbane. It is the critical piece of gas infrastructure delivering gas into the Brisbane metro area to users such as Brisbane residential customers, hospitals, industrial facilities and other public infrastructure. It also delivers gas through central Queensland and links Brisbane to the East Coast gas grid. In the Brisbane Metropolitan area its alignment is joined with that of the Moonie to Brisbane Pipeline (licensed under pipeline licence 1, or PPL1) at Camira which together continue through highly developed and growing urban areas such as:

<sup>1</sup> S3(2) draft *Planning and Development (Planning for Prosperity) Bill 2015*.

- Carole Park;
- Forest Lake;
- Pallara;
- Algester;
- Sunnybank Hills;
- Sunnybank;
- Runcorn;
- Eight Mile Plains;
- Wishart;
- Mansfield;
- Carindale;
- Carina;
- Tingalpa;
- Hemmant; and
- Lytton.

The Bill as presently drafted removes the distinction between concurrence and advice agencies, which will collectively be termed referral agencies. The *Sustainable Planning Act 2009* and the former draft *Planning and Development Bill 2014* recognised the owner of PPL1, another high pressure gas pipeline, as an advice/referral agency respectively. APA's view is that all high pressure gas pipeline owners should be referral agencies under the Bill and its subsequent regulations or alternatively, owners of gas transmission pipelines in metropolitan areas should be referral agencies given the nature of the risks associated with development around those pipelines.

Under the formerly proposed draft regulations, the owner of PPL1, which runs adjacent to APA's PPL2 through most of Brisbane, was recognised as a referral agency in respect of applications for reconfiguration of a lot<sup>2</sup>, a material change of use<sup>3</sup> and operational works<sup>4</sup>. The particular wording used to identify the owner of PPL1, deemed to be a referral agency, is as follows (brackets to identify different wording used for ROL/MCU and Op Works applications):

*"...if any part of the [lot/premises] is subject to an easement in favour of the holder of pipeline licence number 1 issued under the Petroleum Act 1923 [and the easement is for the construction or operation of the Moonie to Brisbane strategic pipeline under that Act/and the work is located completely or partly in the easement]"*

The referral agency 'referral jurisdiction' noted in the formerly proposed draft regulations is "The purposes of the *Petroleum Act 1923* and the *Petroleum and Gas (Production and Safety) Act 2004*".

APA's Roma to Brisbane Pipeline/PPL2 shares much of the alignment of PPL1, was licensed under the same act<sup>5</sup>, is regulated under the same act<sup>6</sup> and has an arguably greater strategic importance and potential impact on environmental protection and community wellbeing given its current use.

APA is already commonly involved in third party developments in three ways; through incorrectly made referrals under the *Sustainable Planning Act 2009*, through post approval titling processes and where APA physically intercepts development works on our pipelines. As noted in our earlier submission, APA receives numerous development applications under the *Sustainable Planning Act 2009* made under the provisions noting the holder of PPL1 as an advice agency (notwithstanding PPL1 and PPL2 are separate pipelines and APA does not own PPL1). Most of PPL2 is covered by easements held by APA. As such, if an applicant for a reconfiguration of lot burdened by an APA easement is approved without input from APA, it is common that we will be approached for permission from the applicant when they seek to lodge a plan of subdivision over the land. Additionally, we commonly identify proponents undertaking works near our pipeline which may have been approved under operational works applications without our consultation, in which case we are often required to halt those works through our other powers (e.g. under our easement or the *Petroleum and Gas (Production and Safety) Act 2004*) while we assess the impact on our gas infrastructure. Understandably, many proponents are frustrated by the additional delays involved in APA assessing their proposal/works at such a late stage of the development (often when the proponent has considerable additional pressures and costs to bear vis-à-vis the pre-approval stage of their development).

<sup>2</sup> See Schedule 6, Table 2, Item 35 of the Draft *Planning and Development Regulations 2014* and Schedule 7, Table 2, Item 35 of the *Sustainable Planning Regulations 2009*

<sup>3</sup> See Schedule 6, Table 3, Item 16 of the Draft *Planning and Development Regulations 2014* and Schedule 7, Table 3, Item 16 of the *Sustainable Planning Regulations 2009*

<sup>4</sup> See Schedule 6, Table 3, Item 17 of the Draft *Planning and Development Regulations 2014* and Schedule 7, Table 3, Item 17 of the *Sustainable Planning Regulations 2009*

<sup>5</sup> *Petroleum Act 1923*

<sup>6</sup> *Petroleum and Gas (Production and Safety) Act 2004*

As such, APA submits that by not being recorded as a referral agency, its input in proponents' development processes is triggered and given in a way which frustrates the purpose of the Bill. Further, APA is strongly of the view that if it were a referral agency the principles of environmental protection and community wellbeing would be far more effectively served by allowing APA to give earlier and more effective input rather than relying on ad hoc applications or those made at such a late stage when the interests of environmental protection, community wellbeing and the protection of the integrity of high pressure gas pipelines are subordinated to the time and commercial pressures faced by development proponents.

While we have not reviewed regulations for the current Bill, the Bill provides for regulations which will facilitate the approach proposed by APA. The Bill allows APA to be prescribed by regulation as a referral agency for applications<sup>7</sup>. The Bill also allows APA's assessment of applications under the Bill to be restricted to matters prescribed by regulation<sup>8</sup>, thus affording an opportunity to balance stakeholders' interests. Where APA reviews development applications it already refers to AS2885, an Australian Standard developed with input from industry and government, to determine whether a development or activity would have acceptable impacts on the integrity of APA's gas transmission pipelines and consequentially, the environment and community, both of which are features considered by AS2885. AS2885 is already prescribed by the *Petroleum and Gas (Production and Safety) Act 2004* as a mandatory safety standard for gas transmission pipelines in Queensland<sup>9</sup>.

APA proposes, assuming the new regulations reflect previous drafts, that all Pipeline Licence holders under the *Petroleum and Gas (Production and safety) Act 2004* are noted as a referral agencies where an application is made on land burdened by an easement for the pipeline, or alternately the owner of PPL2 and the Roma to Brisbane Pipeline is noted as a referral agency in the same circumstances.

Given the existing planning legislation provided for a pipeline licence owner to be noted as an advice agency, and the proposed Bill allows for it, we are hopeful that this change is seen as one which is aligned with existing and proposed legislative frameworks and objectives and which will also benefit all stakeholders.

### **Other matters**

In our earlier submission we also referred to two other key mechanisms through which the Bill's planning system can provide integrated systems to better address pipeline infrastructure:

1. Recognising and recording high-pressure petroleum pipelines in strategic planning documents and maps; and
2. Enabling the planning system to adopt specific planning layers to recognise critical infrastructure. APIA has prepared a more detailed proposal for notification zones around high-pressure petroleum pipelines which was included in its submission to the 2014 bill.

APA would welcome the opportunity to liaise with the committee to facilitate the best possible outcome, both now and in the future following the release of the Bill's Regulations. APA would also appreciate the opportunity to meet with the Committee or Department of Infrastructure, Local Government and Planning to discuss our submission in more detail.

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<sup>7</sup> s49(2)(a) *Planning and Development Bill 2014*

<sup>8</sup> s50(2)(a), s50(2)(b) *Planning and Development Bill 2014*

<sup>9</sup> s7 *Petroleum and Gas (Production and Safety) Regulation 2004*



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For any enquiries relating to this submission please feel free to contact Michael Truce from APA's Heritage, Environment and Lands Team on [REDACTED]

Kind Regards,



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2 October 2014

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**RE: APA GROUP SUBMISSION ON THE DRAFT PLANNING AND DEVELOPMENT BILL 2014**

Dear Review Team,

APA Group (**APA**) welcomes the opportunity to provide comment on the draft *Planning and Development Bill 2014 (Bill)* and, in due course, the forthcoming Regulations which will significantly influence the effect of many aspects of the Bill.

As a member of the Australian Pipeline Industry Association (**APIA**) we endorse APIA's submission of 25 September 2014 regarding the Bill. APA would like to take this opportunity to bring to the Department's attention issues particular to APA's assets and operations which will be affected by the planning systems implemented by the Bill.

As noted in APIA's submission, section 3(h) of the Bill notes that the Bill's purpose is to be achieved by providing for a system for planning development assessment which includes:

- (h) planning, development assessment, charging and other arrangements for infrastructure, to promote—
  - (i) integrated land use and infrastructure planning;
  - and
  - (ii) the cost effective provision of infrastructure to service development.

APA's view is that there are three key mechanisms through which the Bill's planning system can provide integrated systems to manage pipeline infrastructure:

1. Ensuring that operators of high pressure gas pipelines can be declared referral agencies;
2. Recognising and recording high-pressure petroleum pipelines in strategic planning documents and maps; and
3. Enabling the planning system to adopt specific planning layers to recognise critical infrastructure. APIA has prepared a more detailed proposal for notification zones around high-pressure petroleum pipelines which was included in its submission.

APA strongly endorses the Bill's objective of introducing a planning system which integrates land use and infrastructure planning, thus ensuring the planning system consistently and effectively manages risk to people, property and the environment introduced by the integral relationship of land use and infrastructure development. APA considers that the Bill presents an ideal opportunity for the Department to standardise the way in which high pressure gas pipeline operators in Queensland participate in the State's planning system through the three key mechanisms mentioned above.

### **APA Group in Queensland**

APA is Australia's largest natural gas infrastructure business. It owns and operates approximately \$12 billion of energy and high pressure gas pipeline assets, delivering approximately half of Australia's gas usage. APA's high pressure gas pipeline assets in Queensland include:

- Roma to Brisbane Pipeline (including various lateral pipelines),
- Peat Lateral Pipeline,
- Berwyndale – Wallumbilla Pipeline,
- Carpentaria Gas Pipeline (including various lateral pipelines),
- South West Queensland Pipeline,
- QSN Link Pipeline,

(See *Figure 1: Map of APA Group's Queensland Pipeline Infrastructure*).

These pipelines are a critical part of Queensland's energy supply chain, supplying gas to Queensland's regional and urban centres, major infrastructure facilities and power generators.

### **Our Pipelines and urban development**

The oldest of our pipelines was first constructed in 1969, supplying Brisbane with gas and intersecting Brisbane's inner city and outer urban fringes. Queensland's economic growth and community prosperity has seen land use increasingly impact and interact with our pipelines.

Our high pressure gas pipelines are designed, constructed, operated and maintained in accordance with Australian Standard AS 2885: Pipelines – Gas and Liquid Petroleum. This Standard is adopted under the *Petroleum and Gas (Production and Safety Act) 2004* as a statutory instrument in Queensland to ensure protection of the pipeline, the safety of the community, protection of the environment and security of gas supply to users.

APA has a safety reputation it is proud of however it must be recognised that, like many types of major infrastructure, high pressure natural gas and liquid petroleum transmission pipelines have a level of risk, which must be assessed when considering land use and development of land in the vicinity of pipelines, to ensure that risk to people, property and the environment is within acceptable levels. While Australian pipelines have an excellent safety record, a High Pressure Pipeline failure can impact an area several hundreds of metres from a pipeline. Planners, developers and landowners, as well as Pipeline Operators, must be aware of the potential for them to impact on pipeline safety by planning or permitting development without consideration of its potential impact.

The most frequent cause of pipeline failure worldwide is damage caused by external interference resulting from construction or maintenance activities. Australian High Pressure Pipelines are designed, operated and maintained to protect them from threats that have the potential to cause failure. In order to maintain pipeline safety, it is essential that APA is informed of changes in land use in areas that could be affected by a pipeline failure in order that plans to control new threats and consequences can be developed and implemented. These measures can be costly and require substantial forward planning. Therefore, it is in the interests of the development proponents to communicate with the pipeline operator as early as possible in the planning process.

As it stands, APA commonly engages with development proponents through existing, disparate, systems implemented under Petroleum Safety legislation, land titling and planning laws. Such a non-integrated approach is undesirable as it is inefficient and inconsistent.

The earlier that notice of planning proposals affecting APA's pipelines is provided to APA, the better the information available to address public safety and the better equipped planners and APA will be to design efficient and effective outcomes, including ensuring safety near transmission pipelines both during development and after public settlement in the new areas.

## **APA's pipelines and the planning system**

### Referral agencies

The Bill as presently drafted removes the distinction between concurrence and advice agencies, which will collectively be termed referral agencies. APA's view is that all high pressure gas pipeline owners should be referral agencies under the Bill and its subsequent regulations.

It is current practice for APA Group to be consulted as an advice agency under the current referral agency provisions of the *Sustainable Planning Act 2009* in respect of reconfiguration applications and material change of use applications where any part of the land is within the pipeline easement. Such referrals, while common, are inconsistently made as development proponents do not have certainty as to the status of APA as a referral agency under those regulations.

We note that APA Group's technical regulator, the Department of Natural Resources and Mines, imposes obligations under the *Petroleum and Gas (Production and Safety) (P&G) Act 2004* to maintain appropriate pipeline safety risk levels in accordance with Australian Standards 2885 (**AS2885**) for Pipelines – Gas and Liquid Petroleum. This includes the assessment of risk associated with changes of land use or zoning in the vicinity of our pipelines. As such, the referral of development applications to APA is in keeping with those obligations to ensure that high pressure gas pipelines and local communities are safely protected with minimum impact in accordance with AS2885.

### Strategic planning Instruments

As noted in APIA's submission, the second mechanism to improve public safety outcomes is to ensure that high-pressure petroleum pipelines are recognised in strategic planning documents and maps. This is particularly important when long-term strategic visions are being developed for urban development around major population centres.

The Bill provides for various strategic planning documents to be adopted as a part of the Bill's planning assessment procedures within the Bill's regulations.

As noted above, the independently developed Australian Standard AS2885 is a critical tool for assessing the impact of urban development and land use changes on high pressure gas pipelines. It is an independently developed methodology which provides guidelines to help all parties manage those impacts and associated risks. It would be an ideal document to adopt at a strategic planning instrument level to allow a consistent

approach to the assessment and management of the impact of changing land uses and development applications on high pressure gas pipelines.

It is the recent experience of APA that long-term strategic plans have been developed without recognising the presence of pipelines, leading to major developments featuring sensitive uses such as schools and commercial precincts in the vicinity of pipelines. APA is not seeking to prevent such developments from proceeding, however, better safety outcomes can be achieved when such projects are undertaken in full knowledge of the location of pipelines.

APA will look forward to proposing where AS2885 and strategic planning maps can be adopted in the Bill's regulations to help ensure an integrated approach to land use and infrastructure planning.

#### Planning layers and notification zone

APA supports APPIA's submission that a notification zone should be adopted under the Bill in respect of high pressure gas pipelines to promote early engagement with APA when development or land use changes are proposed nearby its high pressure gas pipelines.

The notification zone will establish an area around APA's high pressure gas pipelines where APA will be informed of planning and development proposals in that area which have the potential to trigger a safety assessment under AS2885. In effect it would give APA an opportunity to comment on proposals and enter a dialogue with the proponent to assess risks the development proposes to a pipeline, similarly to APA having status as a referral agency.

Early engagement allows APA and development proponents to be aware of potential safety risks arising from development proposals, assess the risks associated with them and, where necessary allows:


- APA to undertake measures to either reduce the risk to the pipeline or reduce the consequence of a pipeline incident; and
- Development applicants to implement design changes for development proposals that reduce the risk to and from the pipeline.

Early consultation will ensure that the impact of any constraints on development proposals can be minimised.

While the Bill provides various methods of implementing such a notification zone through its regulations, it will be critical that the regulations are developed with a view of implementing such a notification zone in a way that supports the Bill's objectives, rather than leaving such zones to be implemented at a local planning instrument level which would frustrate the Bill's objective of implementing an integrated approach to land use and infrastructure planning.

APA Group would welcome the opportunity to comment on and raise awareness of these issues, and subsequently liaise with planning authorities to facilitate the best possible outcome, both now and in the future following the release of the Bill's Regulations. APA would also appreciate the opportunity to meet with the department to discuss our submission in more detail.



For any enquiries relating to this submission please feel free to contact Michael Truce from APA's Heritage, Environment and Lands Team 

Kind Regards



Michael Cave

Manager  
Heritage, Environment and Land

APA Group

Figure 1: Map of APA Group's Queensland Pipeline Infrastructure

