

DOWNSTREAM GAS SUPPLY AND AVAILABILITY IN NSW

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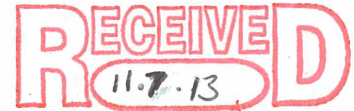
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The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

The Hon Andrew Gee MP
Chair
State and Regional Development Committee
NSW Legislative Assembly
Parliament House of NSW
Sydney NSW 2000

13/07084




Dear Mr Gee,

Inquiry into downstream Gas supply and availability in NSW (ref: D13/09456)

I write in response to the State and Regional Development Committee's invitation to make a submission to its inquiry into downstream gas supply and availability in New South Wales. The following comments on development control relate to terms of reference (b) *barriers to the expansion of downstream gas supply and distribution works*.

The submission made last year by the NSW Government to the Commonwealth Government's *Draft Energy White Paper*, urged recognition of the "lead role the States and Territories have played in the past, and will continue to play in the regulatory framework for mineral resource and energy infrastructure development, such as gas pipelines." (P7, NSW Submission, Commonwealth Draft Energy White Paper, 2012).

Specific to this lead role, one of the main aims of *State Environmental Planning Policy (Infrastructure) 2007* is to remove regulatory barriers in local planning documents to facilitate the development of gas distribution throughout all of NSW. Some gas operations are classified as *exempt development* (e.g. pipeline maintenance and emergency repair works). The other development controls in the policy, specified in Part 3, Division 9 - Gas transmission or distribution and pipelines, generally avoid the need for development consent to be sought from local planning controls affected by a pipeline route or network. Clause 55 of the policy also seeks to avoid inappropriate neighbouring development occurring in the immediate vicinity of established major gas pipelines in order to protect pipeline integrity, servicing and expansion.

Most minor activities associated with gas development would therefore be self assessed under the provisions of Part 5 of the *Environmental Planning and Assessment Act, 1979*, (the Act) by the gas operator (or licensee). New major pipelines (as defined under cl 5, Schedule 3, of *State Environmental Planning Policy (State and Regional Development) 2011*) would be assessed by the NSW Department of Planning and Infrastructure as State significant infrastructure. Under the new Planning Act, similar assessment regimes will remain in place to apply to gas supply and distribution networks.

Thank you for the opportunity to contribute to the work of the Committee on this important issue.

Should you have any further enquiries, I have arranged for [REDACTED]
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Yours sincerely [REDACTED]

HON BRAD HAZZARD MP
Minister

- 8 JUL 2013