

# **Guide to the Approval Process for Gas Distribution System Construction in Council Road Reservations**



## Introduction

This brochure explains the approval process relating to the construction by PowerCo of gas distribution works in Council road reservations under the Tasmanian Natural Gas Project. It covers common scenarios, but reference should be made to the legislation and other documentation for the complete approvals process.

## Planning Approval

Under the *Gas Act 2000*, the development of new gas infrastructure in Council road reservations generally does not require a Planning Permit under the *Land Use Planning and Approvals Act 1993* (LUPAA), and PowerCo does not need to make formal applications.

In addition, the *Gas Infrastructure (Planning Permit Exemption) Regulations 2003* provide for non-standard situations requiring special consideration. These Regulations nominate a number of special cases relating to sensitive areas in which PowerCo must meet certain management criteria to be exempt from LUPAA:

- Areas identified with historic or heritage issues
- Sensitive areas with respect to Aboriginal cultural heritage
- Areas identified as containing threatened species
- Areas involving or affecting soil or water management issues

The specific management provisions required by PowerCo in these circumstances are also detailed in the Regulations. Refer to the Act and Regulations for further details.

Notwithstanding these exemption provisions, PowerCo may still elect to lodge a normal planning application under LUPAA if they so desire. In such a case they would need to comply with Council's relevant Planning Scheme.

## Road Opening Permission

The *Local Government (Highways) Act 1982* states that a Council may grant conditional permission to install gas infrastructure under a local highway. PowerCo will need to apply to each individual Council for this permission in the form of a Road Opening Permit.

Standard conditions that apply to every such permission granted are detailed in the *Local Government (Highways) Regulations 2003*, which have been specifically developed for the Tasmanian Natural Gas Project.

The Regulations cover issues such as:

- Protection of other services
- Start work notification
- Traffic management
- Reinstatement responsibilities
- Liability for damage to or from gas infrastructure
- Progress and completion reporting to Council
- As constructed records

In addition, the Regulations call up the Municipal Standards. Part 14 of the Municipal Standards has been specifically written to address most other issues of interest to local government with respect to gas infrastructure installation, including appropriate reference to selection of the proposed pipe location, and construction and reinstatement standards. This document has been developed in consultation with PowerCo and the Institute of Public Works Engineering of Australia (Tasmania Division).

Key issues addressed by *Part 14* of the *Municipal Standards* include:

- Standard hours of work
- Excavation
- Backfill materials and practices
- Reinstatement standards
- Inspections
- Maintenance and hand over

- Liaison between councils and Powerco.

The intention is that the Regulations and the Municipal Standards now collectively cover most relevant issues. These documents are binding on PowerCo and Councils, and cannot be amended by an individual Council.

Councils may attach additional conditions when granting permission for excavation in its road reservations, however the Regulations and Municipal Standards take precedence over any such conditions. These additional conditions would therefore cover any matters excluded from the Regulations and Municipal Standards, such as:

- Specific constraints on working hours in non-standard situations
- Noise control
- Coordination of any other concurrent works Council proposes
- Retention of vegetation
- Any council specific contractor registration schemes

Any conditions applied are subject to appeal to the Resource Management and Planning Appeal Tribunal.

PowerCo will be self-regulating with respect to the implementation of works and compliance with standards. It is required to provide a Completion Report to Council within 14 days of completion of work, certifying that all Council standards and requirements have been met.

Councils have a further 14 days to advise PowerCo of any unsatisfactory reinstatement works that will need to be rectified before they take the works over.

## **Construction and Safety Standards**

Detailed construction practices and standards are nominated in PowerCo's specifications, which have been included in their Safety and Operating Plan, and approved by the Director of Gas (appointed under the *Gas Act 2000*). Workplace health and safety issues, including public safety, are also covered in this document.

## **Relevant Documents**

The approvals process and construction requirements are embodied in the following documents. These documents should be consulted for full details of the process and approval management provisions.

- *Gas Act 2000*
- *Gas (Planning Permit Exemption) Regulations 2003*
- *Land Use Planning and Approvals Act 1993 (LUPAA)*
- *Local Government (Highways) Act 1982*
- *Local Government (Highways) Regulations 2003*
- Council Planning Schemes
- Municipal Standards and Standard Drawings, and
- PowerCo's Safety and Operating Plan



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# Approvals Process

# Appeals Process

