

# Authority to Survey Guideline – draft for consultation

---

Under the Pipelines Act 1967

Draft for consultation July 2025

---

# Acknowledgement of Country



Department of Climate Change, Energy, the Environment and Water acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

Authority to Survey Guideline – draft for consultation

Published by NSW Department of Climate Change, Energy, the Environment and Water  
Energy Climate Change and Sustainability Group

[www.energy.nsw.gov.au](http://www.energy.nsw.gov.au)

First published: July 2025

## Copyright and disclaimer

© State of New South Wales through Department of Climate Change, Energy, the Environment and Water 2025. Information contained in this publication is based on knowledge and understanding at the time of writing, July 2025, and is subject to change. For more information, please visit <https://www.energy.nsw.gov.au/copyright>

For any enquiries about the requirements under the Pipelines Act 1967 please visit <https://www.energy.nsw.gov.au/nsw-plans-and-progress/regulation-and-policy/our-role-networks/pipelines> or email [energy.submissions@planning.nsw.gov.au](mailto:energy.submissions@planning.nsw.gov.au).

# Contents

<b>1</b>	<b>Guideline overview .....</b>	<b>1</b>
1.1	Purpose.....	1
1.2	Introduction .....	1
1.3	Amendments to the guideline.....	2
<b>2</b>	<b>Authority to survey process .....</b>	<b>2</b>
2.1	Key steps in applying for an ATS .....	2
2.2	Applying for an ATS .....	2
2.3	Review of application by the department .....	3
2.4	Notification that ATS is granted .....	3
2.5	ATS conditions .....	3
2.6	Considerations for consultation.....	4
2.6.1	Further recommendations for consultation .....	4
2.6.2	Recommended communication methods .....	5
2.6.3	Discussions relating to future compulsory acquisition.....	5
2.6.4	If a landowner refuses to negotiate.....	6
<b>3</b>	<b>Activating the powers of an ATS .....</b>	<b>6</b>
3.1	Notify the department of intention to activate ATS.....	6
3.2	Evidence required before activating an ATS .....	6
3.3	Department will notify affected landowners.....	7
3.4	ATS holder to notify affected landowners .....	7
3.5	Complying with the conditions of the ATS .....	7
<b>4</b>	<b>Extension applications .....</b>	<b>7</b>
<b>5</b>	<b>Additional information and resources .....</b>	<b>8</b>
5.1	Additional guidance materials.....	8
5.2	Glossary of terms.....	8

---

# 1 Guideline overview

---

## 1.1 Purpose

This guideline explains the Authority to Survey (ATS) process under the Pipelines Act 1967 (the **Act**) and the Pipelines Regulation 2023 (the **Regulation**).

This guideline is intended to assist industry and landowners and act as a common reference point. It summarises key steps and indicates the NSW Minister for Energy's (the Minister's) expectations of how the process will be conducted. It should not be relied upon as an authoritative document or set of standards that will always apply. Each application for an ATS is unique and some changes to the process as set out in this guideline may be appropriate.

The information in this guideline is general in nature and does not replace legal or professional advice. ATS applicants should obtain independent professional advice on how to meet their legislative obligations.

If there are inconsistencies between this guideline and the NSW legislation, the legislation prevails. If there is an inconsistency between this guideline and the conditions of an ATS, the conditions of the ATS prevail.

Information in this guideline is subject to change. The Department of Climate Change, Energy, the Environment and Water (the department) will update this guideline as changes occur.

Further information on the requirements for licensed pipelines in NSW can be found on [our website](#)<sup>1</sup>.

---

## 1.2 Introduction

An ATS is an authority granted by the Minister that allows a person to enter land and survey potential routes for a proposed pipeline. A person who proposes to construct a pipeline under the Act may apply for an ATS.

The surveys are used to:

- determine the pipeline route
- determine the situation of any associated apparatus or works
- assess any land needed to gain access to the pipeline, apparatus or works.

An ATS also authorises its holder to take samples from the land to examine and test. An ATS is subject to the conditions specified in the ATS.

The applicant must finalise the proposed pipeline route before submitting an application for a pipeline licence under the Act.

The department encourages anyone proposing to construct a pipeline to try to reach agreement with landowners to access land for survey works and testing, before applying to the Minister for an

---

<sup>1</sup> <https://www.energy.nsw.gov.au/nsw-plans-and-progress/regulation-and-policy/our-role-networks/pipelines>

ATS. Negotiating an agreement allows both parties to resolve the matter on terms satisfactory to both, for example, in respect to terms of access and compensation.

Typically, a person who proposes to construct a pipeline applies for an ATS where a landowner will not agree to allow access to their land for survey works. However, the Act does not require a person to attempt to reach mutual agreement before applying for an ATS. The Act also does not require a person to rely on or utilise the rights granted by an ATS.

Note that an ATS is separate to a pipeline licence. An ATS allows the holder to enter private land to conduct surveys and take samples. A pipeline licence permits the holder to construct and operate a pipeline. A pipeline licence can only be applied for after planning approval is granted and is subject to the availability of land for vesting of easements.

---

## 1.3 Amendments to the guideline

The department may amend this guideline from time-to-time. We will publish the current version of the guideline on [our website](#).

---

# 2 Authority to survey process

---

## 2.1 Key steps in applying for an ATS

The key steps in the ATS process are:

1. The person proposing to construct a pipeline applies to the Minister for Energy for an ATS. They should include all necessary supporting information and the fee as set out in Schedule 3 of the Regulation.
  2. The department evaluates the ATS application, and consults with anyone who may be impacted by the proposed pipeline, such as affected landowners.
  3. The Minister considers the ATS application and the feedback from the department's consultation process before deciding to grant or refuse the ATS.
  4. If the Minister decides to grant the ATS, the department will notify the applicant and publish a copy of the ATS (including its terms) on their website.
  5. If the ATS is granted by the Minister, it remains in force until it expires or is cancelled (subject to its terms). The Minister will generally (though not always) specify terms in the ATS about how the ATS holder is to consult landowners, or satisfy other steps, before the holder can use the rights conferred by the ATS.
- 

## 2.2 Applying for an ATS

An ATS application must be in the form required by section 5E(2) of the Act and comply with the Regulation.

The ATS applicant should ensure that the public are aware of the proposed pipeline project, particularly landowners and the local community around the land specified in the ATS application.

To promote enough information in the public domain about the proposed pipeline project, the department encourages an ATS applicant to publicise the pipeline project via:

- the company website
- advertisements in local print media, and/or social media
- local radio stations
- the local council
- key community groups.

The department will identify landowners along the proposed pipeline route for consultation using NSW Land Registry Services (LRS), Property NSW and information supplied directly by the ATS applicant.

The ATS applicant must follow the relevant privacy laws when collecting, using, disclosing or storing any information that qualifies as 'personal information' from landowners under the *Privacy and Personal Information Protection Act* NSW 1998 (PIPP Act). Landowners must provide their consent to the ATS applicant before any contact details or other personal information can be shared with the department.

When collecting personal information from landowners, the ATS applicant, at the time of collection, must provide a privacy collection notice that complies with the requirements of the PIPP Act. It must explicitly inform landowners that, if they choose to provide the information, it will be shared with the department for the purpose of contacting them regarding participation in the ATS consultation.

---

## 2.3 Review of application by the department

Before the Minister decides whether to grant an ATS, the department will try to contact impacted landowners to provide the opportunity for them to give their views on the proposed ATS. The consultation period will generally be 4 weeks, but may vary.

As part of the consultation, department representatives may attend community meetings to answer questions about the ATS application, as well as the role of both landowners and the ATS holder if the ATS is granted by the Minister.

---

## 2.4 Notification that ATS is granted

If the Minister grants the ATS, the ATS applicant will be notified in writing. The signed ATS instrument will include a full list of conditions that the holder must adhere to.

The department will make the ATS available to the public by publishing it on the [NSW Climate and Energy Action website](#). It will include a copy of the instrument signed by the Minister, including all conditions and a schedule of the land which the ATS applies to, the date granted and the period for which the ATS is granted.

---

## 2.5 ATS conditions

The ATS holder must comply with all terms and conditions of the ATS specified by the Minister. The conditions will depend on the circumstances of the particular ATS application.

The Minister may cancel the ATS if the ATS holder does not comply with the conditions of the ATS or for any other reasons the Minister considers is a sufficient basis to cancel (section 5G(3) of the Act).

---

## 2.6 Considerations for consultation

The department expects the ATS holder to make a genuine attempt to communicate and negotiate land access agreements with landowners. This engagement should follow best practice and the principles established by the Centre for Property Acquisition. The key elements of best practice engagement include:

- objectively acting in good faith
- acting honestly and behaving with integrity
- proactively sharing information regarding the pipeline project, what they are seeking to do and the reasons for it, and how it will or potentially affect the landowner's land
- not unreasonably delaying communication, particularly when responding to questions raised, or in attempting to facilitate and engage in discussions between the parties
- clearly identifying the issues in dispute and offering to engage in resolving these with an express aim of achieving an agreement
- making genuine and constructive proposals for resolution and not adopting a rigid non-negotiable position or failing to make counter-proposals
- treating landowners with respect and sensitivity, listening to and considering their needs
- genuinely considering the position of the landowners, but not so as to require the ATS holder to subordinate its position
- informing landowners about their rights and obligations
- not using negotiators without necessary authority to resolve
- avoiding unilateral conduct which harms the negotiating process (for example, issuing inappropriate press releases)
- being open to participate in good faith in a non-binding alternative dispute resolution process facilitated by an independent person where necessary.

### 2.6.1 Further recommendations for consultation

The ATS holder should make all reasonable attempts to:

- engage with landowners as early as possible – to allow landowners sufficient time to review all information provided to them, seek independent advice, carefully consider all terms, work through alternative proposals and not place undue pressure on landowners that may come with short timeframes
- clearly communicate potential impacts – provide all relevant information in a timely manner and in a format that the landowner can easily understand. This may include explaining the project using multiple forms of media, such as brochures, pictures and maps showing the proposed pipeline route through the affected property, and adequately explaining the information to ensure it is understood to the landowner's satisfaction.

Landowners should be given a single point of contact (including dedicated personnel by the relevant ATS holder) from the start of discussions to aid continuity of the negotiations and avoid discrepancies in the information being communicated. If the ATS holder uses a third-party agent or representative for negotiations, they must have a clear communications plan to avoid any confusion.



The ATS holder should prepare a 'Question & Answer' fact sheet that anticipates and answers likely landowner queries. This should include an outline of the types of activities that the ATS holder intends to carry out on the landowner's land.

The ATS holder should try to accommodate all reasonable requests made by landowners.

## **2.6.2 Recommended communication methods**

The ATS holder should provide landowners with a dedicated email, address and telephone number for enquiries. These should be established before initiating contact with landowners and included on all written correspondence.

The ATS holder should consider multiple methods of communication with the landowner when planning to negotiate with them. The ATS holder should discuss this with the landowner and agree to communication preferences during the initial stages of the engagement process. Communication options may include written (email, letter), telephone (call, text) and face-to-face communications. The ATS holder should adopt the landowner's method, where appropriate, and ask their consent to contact them using that preferred method.

Regardless of the communication methods agreed, all key documents and information should be delivered to the landowner by the ATS holder in writing.

All information provided to landowners must be accurate and consistent at the time it is provided.

All landowner contact, and attempts at contact, should be carefully recorded, including dates, times and the method of contact used, as evidence by the ATS holder of having entered into and/or attempted 'reasonable and good-faith negotiations'.

## **2.6.3 Discussions relating to future compulsory acquisition**

Negotiations with landowners should focus on accessing land to conduct surveys and testing. If the landowner asks about compulsory acquisition of lands or easements for the proposed pipeline, the ATS holder (or their agents) should seek to strike a balance between pursuing negotiations for land access and providing accurate and transparent information to satisfy the landowner's requests.

If the landowner raises the subject of compulsory acquisition, the ATS holder should make it clear that there is no acquisition process associated with an ATS. The holder should carefully and accurately describe the compulsory acquisition process, the landowner's rights and any relevant conditions included in the ATS. These conditions may include that the holder must take 'all reasonable steps' to enter into an agreement with the landowner about a future acquisition.

It should be clear at all times that there is no compulsory acquisition process associated with an ATS, however conditions of the ATS can grant access rights to the ATS holder the right to access the landowner's land irrespective of whether or not an agreement has been reached.

The ATS holder should carefully manage the delivery of information regarding compulsory acquisition during land access negotiations.

Note that this guideline is only concerned with the ATS process to access land, carry out surveys and take samples, not to engage in discussions around future and potential land acquisitions (refer to the Pipelines Compulsory Acquisition Process Guideline).



## 2.6.4 If a landowner refuses to negotiate

If a landowner refuses to engage and/or negotiate a land access agreement with the ATS holder, all attempts at contact with the landowner should be recorded in writing by the ATS holder.

The ATS holder should make themselves available, provide access to all relevant information and confirm the details of how the affected landowner can contact them with any questions should they decide to re-engage. Contact details should also be available on the ATS holder's public website.

The ATS holder should respect the instructions of the landowner at all times, on whether or not they want to be contacted further about land access negotiations.

The refusal of landowners to engage with an ATS holder and rejecting or prohibiting their representatives from contacting them does not necessarily mean that the ATS holder has not attempted a reasonable level of negotiation and/or communication, and not acted in good faith.

---

# 3 Activating the powers of an ATS

---

## 3.1 Notify the department of intention to activate ATS

As a condition of the ATS, the Minister may include that the ATS holder notify the department if they need to use the rights conferred by the ATS. The ATS conditions may also specify what information the ATS holder is to include in that notification. It could include:

- i) a record of the timeline and summary of the reasonable attempts made by the ATS holder to negotiate and/or communicate with the landowner
- ii) any key dates including dates the ATS holder plans to access land
- iii) relevant supporting information that would apply and is relevant
- iv) information required by the conditions of the ATS
- v) other information requested by the department.

While there is no minimum timeframe in relation to i), the department recommends the ATS holder continue to negotiate access for at least 3 months, unless a landowner refuses to negotiate or both parties agree to shorten that period.

---

## 3.2 Evidence required before activating an ATS

An ATS may include conditions that require the holder to demonstrate to the department:

- a) when and how it has provided the landowner with clear and relevant information of the potential impacts of what the use of the ATS will involve
- b) that the landowner had adequate time to engage with the ATS holder after that information was provided
- c) that the ATS holder has given the landowner information on the exact nature of the survey activities it intends to conduct
- d) details of the process and efforts that the ATS holder has taken to consult and negotiate with the landowner

- e) that it has complied with the requirements of the legislation.

The department will consider the information and respond to the ATS holder if they are authorised to activate the ATS. The department may ask the ATS holder to keep the department apprised on progress. They may also monitor the ATS holder to ensure they comply with the conditions of the ATS.

---

### 3.3 Department will notify affected landowners

The department will attempt to notify landowners before the ATS holder accesses land and uses the rights conferred by the ATS. The department will attempt to send a hard copy of any notifications to affected landowners via registered mail to track the delivery.

Notification to landowners will include a copy of the signed ATS instrument and details of a departmental contact point for further enquiries or concerns.

Note: The department is developing a dispute resolution mechanism to offer to affected landowners at a later date.

---

### 3.4 ATS holder to notify affected landowners

ATS holders should consult with the department on when they should notify affected landowners. The department prefers that landowners receive notification from the department before receiving notifications from the ATS holder.

ATS holders should send notifications via registered mail for evidence of receipt by the landowner. ATS holders may decide to also send landowner notifications using other communication methods. This may include telephone, email and/or hand delivery. As with mail, a method to ensure landowners receive the notification should be used regardless of the communication method adopted. Attempts to access land shall only occur according to the ATS conditions. These may specify that land access can only occur after a minimum time period has elapsed since the notice of entry.

---

### 3.5 Complying with the conditions of the ATS

The ATS holder must comply with all terms and conditions in the ATS, particularly during its activation. If the Minister thinks it is appropriate, they may cancel the ATS under Section 5G(3) of the Act, especially where the department has sufficient evidence that the ATS holder (or its agents) has breached any of the conditions of the ATS.

---

## 4 Extension applications

Under section 5G(2) of the Act, the Minister may extend the ATS for a period he/she considers fit, on application in writing by the holder of an ATS.

The department will conduct a further consultation process with those that may be impacted by the proposed extension of the ATS.

Notice of any extensions will be published on the department's website.

## 5 Additional information and resources

### 5.1 Additional guidance materials

At all times, ATS applicants should consider the codes and standards that apply to all NSW business and authorities when negotiating with owners. Some of these guidelines and codes are:

- The Energy Charter: [Landholder and community better practice engagement guide](#)
- The Energy Charter: [Better practice social licence guideline](#)
- NSW Resources: [Land access: information for landholders](#)
- NSW Resources: [Land access: information for explorers](#)
- NSW Government: [Property acquisition standards](#)
- Centre for property acquisition: [Minimum negotiation period for acquisition of land](#)

### 5.2 Glossary of terms

Term	Definition
Apparatus or works	Has the meaning as defined in section 3 of the Act
ATS	Authority to Survey. Has the meaning as defined in section 3 of the Act unless explicitly stated otherwise
ATS holder	A person (which includes a corporation) that has been granted an ATS by the Minister under section 5F of the Act
Department	Department of Climate Change, Energy, the Environment and Water
Land	Has the meaning as defined in section 3 of the Pipelines Act, unless explicitly stated otherwise
Landowner	Has the meaning of 'owner' as defined in section 3 of the Act
Minister	NSW Minister for Energy as minister administering the Pipelines Act
Personal information	Has the meaning as defined in the <i>Privacy and Personal Information Protection Act 1998</i> (NSW)
The Act	<i>Pipelines Act 1967</i>
The Regulation	Pipelines Regulation 2023