

Fact sheet: New Authority to Survey for pipelines process guideline

The NSW Government has released a new guideline to clarify the Authority to Survey (ATS) process under Part 2 of the *Pipelines Act 1967* and Clause 4 of the *Pipelines Regulation 2023*. You have an opportunity to have your say on the guideline before it is finalised.

What is an Authority to Survey (ATS)?

Before building a pipeline, licence applicants often need to survey land to assess potential routes for the pipeline. In most cases, applicants seek voluntary agreement with landowners to access land to carry out these surveys. When agreement cannot be reached, an ATS authorises the applicant to access land under the *Pipelines Act*. An ATS allows a company planning a pipeline to access private land to carry out non-intrusive or low-impact surveys (like soil, cultural heritage, flora/fauna, or engineering assessments). It does **not** permit construction or permanent impacts.

Why this is important

While the legal powers and process under the *Pipelines Act 1967* have not changed, stakeholders have told us the process can be unclear. The guideline is intended to act as a common reference point for industry, landowners and the regulator. The guideline will:

- make the process more transparent and easier to follow
- ensure landowners and communities are properly informed and consulted
- provide greater consistency and accountability for pipeline licence applicants.

What the guideline provides

The guideline is intended to explain to licence applicants and landowners:

- a clear step-by-step process for applying for and using an ATS
- minimum standards for what applicants must do to consult with landowners and what landowners can expect during the process
- how the Minister for Energy (the Minister) and the Department of Climate Change, Energy, the Environment and Water (the department) assess ATS applications.

What stays the same

There is no change to what is required under the *Pipelines Act 1967*:

- The legal powers under the *Pipelines Act 1967* remain unchanged. The guideline supports better implementation of the law — it does not change the legislation.
 - An ATS **does not** authorise construction — only survey activities.
 - The Minister for Energy continues to make the final decision.
 - Applicants must still negotiate land access in good faith, **whether or not they hold an ATS**.
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The clarified ATS process at a glance

Pipeline licence applicant applies to the Minister for an ATS through the department, including land details, contact records and an application fee.

The department notifies landowners and undertakes consultation to seek their views.

Minister decides whether to grant an ATS. Considers application, views of landowners and decides the conditions.

If granted, the **ATS is published online.**

ATS holder to **negotiate with landowners in good faith** prior to use of the ATS.

If negotiations fail, the **ATS holder will notify the department** of their intentions to exercise ATS powers to access land and meet all requirements to do so.

FAQ

Does this change the law or the survey process?

No. The guideline does not change the *Pipelines Act 1967* or *Regulation 2023*. It clarifies how to follow the current process consistently and respectfully.

Do landowners have the same rights?

Yes. Landowners maintain all existing legal rights. The guideline supports better communication and transparency especially with ATS holders.

Can ATS holders still access land if landowners don't agree?

Yes, but only after an ATS is granted if reasonable negotiation has occurred and if the Department has been advised. The guideline reinforces expectations for engagement and notification requirements before using these powers.

What is the Minister's role?

The Minister decides whether to grant an ATS and can impose conditions. The Minister must be satisfied that the application meets all regulatory requirements.

More information

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