



THE PETROLEUM PIPELINES REGULATIONS 1984

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 7th day of May 1984

Present:

THE HON. J. K. MCLAY PRESIDING IN COUNCIL

PURSUANT to Part II of the Petroleum Act 1937, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Petroleum Pipelines Regulations 1984.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Petroleum Act 1937:

“Flag” means a flag, marker, or mark of any kind used to indicate the location of the route of a pipeline on the ground; and “to flag” has a corresponding meaning.

Expressions defined in the Act have the meanings so defined.

3. Application for pipeline authorisation—(1) Every application for a pipeline authorisation under section 51 of the Act shall be in form 1 in the Schedule to these regulations, and shall be lodged in triplicate.

(2) Every such application shall, in addition to the particulars and report required to be given by section 51 (2) and (4) of the Act, contain the following particulars and report:

- (a) The name and address of the person who is intended to be the holder of the proposed pipeline authorisation:
- (b) The material to be transported in the pipeline:
- (c) The points between which the pipeline is to run:
- (d) The proposed nominal outside diameter and nominal wall thickness of the pipe, and the strength grade of the material of which the pipe is made:
- (e) The proposed standards or codes for pipeline design and construction:
- (f) The proposed maximum and minimum hydrostatic test pressures:
- (g) A report on the stability of the land along the route of the pipeline.

(3) The plan required to accompany every such application shall be to a scale no smaller than 1 to 70 000 in the case of rural areas and no smaller than 1 to 20 000 in the case of urban areas, and shall show, in addition to the information required by section 51 (3) (a) and (b) of the Act—

- (a) The proposed location of stations for reducing or increasing the pressure, of block valves, and of shut-off valves; and
- (b) The location of all authorised pipelines wherever the proposed pipeline is to be less than 24 metres from those other pipelines.

4. Marking location of proposed pipeline—(1) Every applicant for a pipeline authorisation shall flag the route of the proposed pipeline in such a way as to clearly identify the route.

(2) In addition to complying with subclause (1) of this regulation, the applicant shall place a flag at every change of direction of the route and at every crossing of a fence line:

Provided that it shall not be necessary to place any flag in a road reserve if it is not practicable to do so.

5. Public notice of application to be given, etc.—(1) Every applicant for a pipeline authorisation shall, in addition to complying with any direction given by the Minister under section 52 (1) of the Act, give public notice of the application in form 2 in the Schedule to these regulations by publishing the notice twice in a daily newspaper circulating in each locality through which the pipeline is to pass with an interval of not less than 5 nor more than 10 days between each publication, the first publication being made within 7 days after the date of lodging of the application.

(2) Forthwith after the second publication of the public notice the applicant shall—

- (a) Supply the Secretary with a copy of each complete page of each of the newspapers in which the notice was published; and

- (b) Supply a copy of the notice to—
- (i) The owner of every authorised pipeline within 24 metres of the proposed pipeline; and
 - (ii) The owner of every other buried service or buried utility within 6 metres of the proposed pipeline.
- (3) Any person who may be affected by the granting of the authorisation may make written representations to the Secretary within 30 days after the date of the first publication of the public notice under subclause (1) of this regulation.

6. Form of authorisation, etc.—(1) Every pipeline authorisation shall be in form 3 in the Schedule to these regulations.

(2) A plan of the authorised pipeline route to a scale no smaller than 1 to 70 000 shall be attached to every pipeline authorisation.

7. Cleansing substances, etc., may be conveyed—So long as public safety is safeguarded, such substances as may be necessary for the operation, maintenance, and cleansing of an authorised pipeline may be conveyed through the pipeline.

8. Protection and restoration of land, etc.—(1) Subject to the express terms of any arrangement, contract, or agreement entered into under section 69 of the Act or of any pipeline easement certificate, every holder, on completion of the pipeline and from time to time thereafter, shall—

- (a) Restore all land affected by the exercise of any power conferred by the authorisation as near as practicable to the state it was in before the exercise of the power;
 - (b) In the case of a road, at the option of the road controlling authority either restore the surface of the road or pay the reasonable costs incurred by the road controlling authority in restoring the surface of the road.
- (2) Every holder shall also take such reasonable steps as are necessary to prevent erosion arising from the construction of the pipeline. If erosion is likely to occur despite the taking of all reasonable steps to prevent it, the holder shall ensure that the pipeline is sufficiently protected from damage.
- (3) Every holder shall ensure that a pipeline which is permanently submerged or laid in swampy or other soil that may become waterlogged or flooded is suitably anchored or weighted to prevent it from floating.

9. Form of pipeline easement certificate, etc.—(1) Every easement certificate issued by the Minister under section 70 of the Act shall be in form 4 in the Schedule to these regulations if the land affected is road reserve, and in form 5 in that Schedule in every other case.

(2) Notwithstanding the provisions of subclause (1) of this regulation, on the issue of an easement certificate the Minister may modify any of the conditions set out in form 4 or form 5, or add further conditions, if the modification or addition has been agreed to by the holder and the land owner or road controlling authority, as the case may be.

(3) Every variation or cancellation of an easement certificate issued by the Minister under section 73 (3) of the Act shall be in form 6 in the Schedule to these regulations.

10. Pipeline drawings—(1) Subject to subclauses (2) and (3) of this regulation, within 6 months after the completion of an authorised pipeline or within 6 months after the authorisation of an existing pipeline, as the case may be, the holder shall supply drawings showing the pipeline as follows:

- (a) The Chief Inspector shall be supplied with a microfilm aperture card of each drawing (if legible enlargement to the original size is practicable) and with a full-size (A1) print of each drawing in every other case;
- (b) The National Headquarters of the New Zealand Fire Service Commission shall be supplied with 1 full-size (A1) complete set of the drawings;
- (c) Each body having statutory authority to lay services or to carry out drainage works in any road reserve or other land traversed by the pipeline shall be supplied with 1 full-size (A1) set of all locality drawings showing the below-ground portions of the pipeline (outside pipeline station boundaries) that are in the area of its jurisdiction;
- (d) Each Resident Engineer of the Ministry of Works and Development shall be supplied with 1 full-size (A1) set of all locality drawings showing the below-ground portions of the pipeline (outside pipeline station boundaries) that are within the area of his residency.

(2) The scale of the full-size (A1) sets of locality drawings shall be no smaller than 1 to 10 000 for pipelines in a rural area, and no smaller than 1 to 2000 for pipelines in an urban area.

(3) If, on the application of the holder, the Secretary is satisfied that any delay in complying with any provision of this regulation is beyond the control of the holder, the Secretary may extend the time allowed by not more than 3 months.

11. Change-over from construction to operation—(1) Where the construction of an authorised pipeline is undertaken by any person other than the person that is to operate the pipeline, the change-over of responsibility for the pipeline from construction to operation shall be evidenced in writing signed by or on behalf of both parties.

(2) Notice in writing of the change-over date shall be given by the pipeline operator to the Chief Inspector not later than 7 days after that date.

(3) If the pipeline is constructed by the proposed operator of the pipeline, the operator shall notify the Chief Inspector of the date of completion of construction not later than 7 days after that date.

12. Notice of completion of test—(1) No pipeline shall be put into operation until a notice of satisfactory completion of test in form 7 in the Schedule to these regulations has been issued by an Inspector or by an agent of the Inspector approved by the Chief Inspector.

(2) The holder or his agent shall give not less than 48 hours' notice of any proposed hydrostatic testing to the Inspector responsible for inspection of the pipeline; and no final testing shall be carried out unless an Inspector or an Inspector's approved agent is present.

13. Abandonment, etc., of pipelines—(1) The owner of an authorised pipeline shall not remove any cathodic protection system from the pipeline unless he has given not less than 6 months' notice of the proposed removal to the owners or operators of all other services that could be affected by the removal.

(2) Before abandoning an authorised pipeline the owner shall—

- (a) Purge and plug it to the satisfaction of the Chief Inspector; and
- (b) Notify the persons and bodies referred to in regulation 10 (1) of these regulations of the proposed abandonment.

(3) On the abandonment of an authorised pipeline, the owner of the pipeline shall—

- (a) Apply to the Minister for the revocation of the authorisation; and
- (b) If the abandonment results in an easement becoming unnecessary, surrender the easement or apply for the cancellation of the easement certificate, as the case may be, and lodge the surrender or cancellation with the District Land Registrar where appropriate.

14. Reports on pipeline operations—(1) The holder shall send to the Chief Inspector a separate report for each authorised pipeline at 6-monthly intervals from the date of commissioning or hand-over from construction, whichever is the sooner. With the approval of the Chief Inspector, the holder may prepare and forward 1 report for a group of authorised pipelines.

(2) Each report shall include, for the immediately preceding period of 6 months,—

- (a) A statement as to whether all lawful requirements relating to the operation and maintenance of the pipeline have been complied with;
- (b) A brief description of any leak or fault found (giving the location), the extent of any pollution, the cause of the leak or fault, and the method of repair used;
- (c) The status of corrosion control systems, giving the use and dosage of any inhibitor used together with the date and general results of the latest cathodic protection inspection;
- (d) An account of any significant land erosion within or threatening the pipeline easement;
- (e) A reference to each known incident in which the pipeline or pipeline coating was damaged.

15. Notification to land occupiers—Every holder shall take all reasonable steps to notify the occupier or controlling authority of every piece of land through which the pipeline passes, at intervals not exceeding 15 months, of—

- (a) The name, address, and telephone number of the person who may be contacted in respect of any matter relating to the pipeline;
- (b) The restrictions applying in respect of work near the pipeline.

16. Notification of pipeline faults—Every operator of a pipeline shall forthwith notify an Inspector of any fault in the pipeline (including any unplanned stoppage of flow) which could result in danger to persons or property.

17. Excavations and other works near pipelines—(1) Subject to subclause (2) of this regulation and to the express terms of any arrangement, contract, or agreement entered into in writing under section 69 of the Act or of any easement or pipeline easement certificate, the provisions of this regulation shall apply to all excavations, blasting, or other activities which involve the disturbance of land, or the placing of any matter or thing on or in any land, which is—

- (a) Part of a road reserve in which a pipeline is laid; or
 - (b) Subject to a pipeline easement; or
 - (c) Within 2 metres of any point vertically above or below a pipeline.
- (2) Nothing in this regulation shall apply to any activity which—
- (a) Does not involve disturbing the surface of the land to a depth greater than 400 mm; and
 - (b) Does not result in root growth to a depth exceeding 900 mm; and
 - (c) Does not result in the holder's ability to construct, operate, inspect, or maintain a pipeline being made more difficult; and
 - (d) Does not result in the pipeline having less cover than it had before the activity.

(3) Every person who proposes to undertake any activity to which this regulation applies, whether personally or through an employee, contractor, or other agent, shall give not less than 72 hours' notice of the proposed activity to the owner of the pipeline affected.

(4) In the case of an oral notification, the pipeline owner shall immediately make a written record of it and cause a copy of the record to be delivered to the person who gave the notice before the proposed time of commencement of the activity.

(5) Where the notified activity is to be undertaken on land within a road reserve or subject to a pipeline easement, the pipeline owner shall, as soon as practicable, locate and delineate the route of the pipeline, to the extent that it may be affected by the proposed activity, and show that route to the person proposing to carry out the activity.

(6) If the proposed activity is to be carried out within 2 metres of the route of the pipeline, the pipeline owner may impose such reasonable conditions relating to the time at which and the manner in which the proposed activity is carried out as are necessary to ensure the safe and effective operation of the pipeline.

(7) The pipeline owner shall, as soon as practicable, notify the person proposing to carry out the activity of any conditions so imposed, and that person shall acknowledge receipt of those conditions, if practicable, before carrying out any activity or further activity to which the conditions relate, and shall comply with the conditions.

(8) Subclauses (3) to (5) of this regulation shall not apply to any urgent activity required to be carried out as a result of any accident or emergency, but the person carrying out the activity shall notify the pipeline owner of the activity and of the accident or emergency as soon as practicable after the occurrence of the accident or emergency.

(9) Every pipeline owner shall keep a record of all notifications received under subclauses (3) and (8) of this regulation and of every condition imposed under subclause (6) of this regulation, and retain the record for not less than 2 years.

(10) Every pipeline owner, on becoming aware of any activity to which this regulation applies in respect of which notification has not been received by him, shall forthwith notify an Inspector of the activity.

18. Emergency plan—(1) Every pipeline operator, before the change-over of responsibility for the pipeline under regulation 11 of these regulations, shall prepare an emergency plan setting out the steps to be taken in the event of a pipeline failure or other emergency, and submit a copy of the plan to the Chief Inspector.

(2) Every pipeline operator shall from time to time review the emergency plan to ensure that it is adequate. Every amendment of the plan shall be forwarded to the Chief Inspector.

(3) Every pipeline operator shall ensure that all operating personnel are familiar with the emergency plan and all amendments of it.

(4) In preparing or amending an emergency plan the pipeline operator shall consult with the appropriate Regional Water Board regarding measures to be taken in the event of an escape of liquid from the pipeline.

(5) The operator of every pipeline in operation on the date of commencement of these regulations shall comply with this regulation within 3 months after that date.

19. Cathodic protection—(1) Every pipeline cathodic protection system shall be properly maintained by the pipeline operator and shall not be removed except in accordance with regulation 13 of these regulations.

(2) Before installing a pipeline cathodic protection system, the pipeline operator shall consult with the operators of all other buried services in the vicinity of the pipeline with a view to arriving at mutually acceptable criteria for electrical interference and measures for mitigating possible ill effects.

20. Management of adjacent pipelines—Where the Chief Inspector is of the opinion that, because of the proximity of 2 or more adjacent pipelines not owned by the same holder, it would be desirable in the interests of safety to centralise any features of pipeline control, the Chief Inspector may require the several holders to appoint, within such time as he may specify,—

- (a) An agent to be responsible for the operation and maintenance of the cathodic protection systems applied to the several pipelines along such length of those pipelines as the Chief Inspector may specify; and
- (b) An agent (who may be the same person appointed under paragraph (a) of this regulation) to whom all notices required to be given under regulation 17 of these regulations shall be sent, and through whom the several holders shall communicate any conditions that they may wish to impose under that regulation, in respect of such length of those pipelines as the Chief Inspector may specify.

21. Regulations to apply to changes to pipelines—(1) The provisions of these regulations, with the necessary modifications, shall apply in respect of changes made to the line of a pipeline in accordance with section 59 of the Act and also to amendments of, and additions to, the terms and conditions of a pipeline authorisation made under section 66 of the Act.

(2) Nothing in subclause (1) of this regulation shall apply in respect of any change to a pipeline necessary to maintain or restore supply or to transport material under emergency conditions, but the holder shall notify the Secretary of the change as soon as practicable thereafter and, if the change is intended to be permanent, shall as soon as practicable apply to the Minister for any necessary amendment to the authorisation under section 66 of the Act.

22. Revocations—The following regulations are hereby revoked:

- (a) The Petroleum Pipelines Regulations 1964*;
- (b) The Petroleum Pipelines Regulations 1964, Amendment No. 1†;
- (c) The Petroleum Pipelines Regulations 1964, Amendment No. 2‡.

*S.R. 1964/130
†S.R. 1967/284
‡S.R. 1978/299

SCHEDULE

Reg. 3 (1)

FORMS

Form 1

APPLICATION FOR PIPELINE AUTHORISATION

Minister of Energy

[Full name and address of applicant] hereby applies for a pipeline authorisation under the Petroleum Act 1937 authorising the construction and/or operation of a pipeline for the conveyance of from to The details required by the Act and the regulations under the Act are attached.

Dated at this day of 19 .
.....
Applicant.

Reg. 5 (1)

Form 2

Petroleum Act 1937

NOTICE OF PIPELINE AUTHORISATION APPLICATION

Notice is given that [Name of applicant] has applied to the Minister of Energy for a pipeline authorisation under the Petroleum Act 1937 to authorise the construction and/or operation of a pipeline for the conveyance of from to passing through or near the following localities:

Copies of the application may be inspected at

Any person wishing to make submissions in respect of the application may do so in writing addressed to the Secretary of Energy, Ministry of Energy, Private Bag, Wellington within 30 days after the date of the first publication of this notice.

This is the first (or second) publication of this notice.

[If second publication] The first publication of this notice was on [Date].

Reg. 6 (1)

Form 3

Petroleum Act 1937

PIPELINE AUTHORISATION

Pursuant to section 55 of the Petroleum Act 1937 the Minister of Energy hereby authorises [Name of holder] to construct and/or operate a pipeline for the conveyance of from to along the route delineated on the attached plans, subject to the Petroleum Act 1937 and the regulations under that Act, and to the special conditions set out in the Schedule hereto.

SCHEDULE

[Special conditions]

Dated at Wellington this day of 19 .

.....
Minister of Energy.

SCHEDULE—continued

Form 4

Reg. 9 (1)

PIPELINE EASEMENT CERTIFICATE
(ROADS)

Pursuant to section 70 of the Petroleum Act 1937, the Minister of Energy, being satisfied that [*Name of holder*] (the holder of a pipeline authorisation authorising the construction and/or operation of a pipeline for the conveyance of from to) has been unable to reach an agreement under section 69 of that Act to purchase or acquire an easement in respect of the road affected by the authorisation after making reasonable attempts to do so, hereby certifies—

- (a) The road through which the pipeline is authorised to pass is set out in the First Schedule hereto:
- (b) The said holder or his authorised agent has a right of entry on to the said road for the purpose of exercising the rights conferred by Part II of the Petroleum Act 1937 and by the authorisation, together with and subject to the rights and duties set out in the Second Schedule hereto.

FIRST SCHEDULE

[*Description of road*]

SECOND SCHEDULE

1. The right from time to time to open and break up the soil and pavement of the road and to lay, operate, inspect, maintain, clean, repair, renew, alter, and remove the authorised pipeline using such equipment as may be necessary or expedient.

2. Before opening or breaking up the road the holder shall give the road controlling authority not less than 48 hours' notice of the proposed work, except in an emergency in which case notice of the work involved shall be given as soon as practicable after the occurrence of the emergency.

3. The holder shall not, except in the case of emergency, open or break up the road otherwise than in accordance with plans approved by the road controlling authority. Such approval shall not be unreasonably withheld and, in the event of a dispute between the holder and the road controlling authority relating to the approval of the plans, the dispute shall be determined by an arbitrator appointed by the Minister of Energy for that purpose.

4. The holder shall complete all work with all convenient speed, but with due care and attention, and shall at all times while the work is incomplete cause it to be fenced or otherwise guarded. During the hours of darkness the holder shall keep the work sufficiently lit for the warning of road users.

5. The holder shall have the right, using such equipment as may be necessary or expedient, to remove from the road all cultivated and natural vegetation, including trees and shrubs, and any artificial structures of whatever kind, so far as the removal is necessary for the exercise of the holder's rights.

Dated at Wellington this day of 19 .

.....
Minister of Energy.

SCHEDULE—continued

Reg. 9 (1)

Form 5

PIPELINE EASEMENT CERTIFICATE
(LAND OTHER THAN ROADS)

Pursuant to section 70 of the Petroleum Act 1937, the Minister of Energy, being satisfied that [Name of holder] (the holder of a pipeline authorisation authorising the construction and/or operation of a pipeline for the conveyance of from to) has been unable to reach an agreement under section 69 of that Act to purchase or acquire an easement in respect of the land affected by the authorisation after making reasonable attempts to do so, hereby certifies—

- (a) The land through which the pipeline is authorised to pass is set out in the First Schedule hereto:
- (b) For the purposes of section 70 (3) of the Petroleum Act 1937 this certificate shall apply to that strip of land metres in width along the line delineated on the attached plan and indicated as the intended route of the pipeline:
- (c) The said holder or his authorised agent has a right of entry on to the land described in the First Schedule hereto for the purpose of exercising the rights conferred by Part II of the Petroleum Act 1937 and by the authorisation, together with and subject to the rights and duties set out in the Second Schedule hereto.

FIRST SCHEDULE

[Description of land]

SECOND SCHEDULE

1. The holder shall have the right from time to time to—

- (a) Open and break up the land and lay, operate, inspect, maintain, clean, repair, renew, alter, and remove the authorised pipeline; and
- (b) Remove from the land all cultivated and natural vegetation, including trees and shrubs, and any artificial structures of whatever kind, so far as the removal is necessary for the exercise of the holder's rights—

using such equipment as may be necessary or expedient.

2. Where the pipeline is laid below the surface of the ground, the holder shall bury it so that it will not interfere with the ordinary cultivation of the land; and in so doing, or in exercising any of the other rights set out in clause 2 of this Schedule, the holder shall cause as little damage as possible to the surface of the land.

3. The holder shall complete all work with all convenient speed, but with due care and attention, and shall take reasonable precautions to prevent injury to persons or livestock.

Dated at Wellington this day of 19 .

.....
Minister of Energy.

SCHEDULE—continued

Form 6

Reg. 9 (3)

VARIATION or CANCELLATION or PART CANCELLATION OF PIPELINE EASEMENT CERTIFICATE

Pursuant to section 73 (3) of the Petroleum Act 1937, the Minister of Energy, having obtained the consent of [Name of holder] (the holder of a pipeline authorisation authorising the construction and/or operation of a pipeline for the conveyance of from to) hereby varies or cancels or partly cancels pipeline easement certificate(s) No(s).

[If a variation, here state the manner in which the existing easement certificate is varied.]

[If a partial cancellation, here state the extent to which the existing easement certificate is to be cancelled.]

In all other respects pipeline easement certificate(s) No(s). is/are confirmed. [Delete if easement certificate wholly cancelled.]

Dated at this day of 19 .

..... Minister of Energy.

Form 7

Reg. 12 (1)

NOTICE OF SATISFACTORY COMPLETION OF TEST

[Name or description of pipeline]

From To

I am satisfied that an acceptable hydrostatic test has been completed on the above pipeline between and

In my opinion the test was satisfactory and this portion of the pipeline is fit for operation at a pressure not exceeding kPa.

Authorised maximum working pressure kPa as at

.....

Petroleum Inspector.

[Date]

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations consolidate and amend the Petroleum Pipelines Regulations 1964 and amendments.

The main amendments are as follows:

- (a) The requirement to submit a book of reference with an application for a pipeline authorisation has been omitted:
- (b) A new requirement is to distribute drawings of pipelines to certain persons and bodies (regulation 10):
- (c) A new procedure is prescribed in respect of the testing of a pipeline before it is commissioned (regulation 12):
- (d) A new provision requires the holders of pipeline authorisations to regularly notify occupiers and controlling authorities of land through which the pipeline passes of restrictions applying in respect of work near the pipeline (regulation 15):
- (e) New provisions restricting the carrying out of work near a pipeline are included (regulation 17):
- (f) A new provision requires pipeline operators to prepare emergency plans (regulation 18):
- (g) A new provision empowers the Chief Inspector to require operators of adjacent pipelines to appoint an agent to be responsible for the pipelines (regulation 20).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 May 1984.

These regulations are administered in the Ministry of Energy.