NOPSEMA
Australia's offshore energy regulator

POLICY

Safety Zone Assessments

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1. Purpose

The purpose of this policy is to provide a documented, systematic and consistent approach for the conduct of assessments related to safety zones and the area to be avoided (ATBA).

2. Scope

This policy applies to the assessment of all applications submitted to NOPSEMA related to the provisions of sections 616, 617 and 618 of the Commonwealth *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act).

3. Relevant legislation

Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act).

It should be noted that dependant on the location of a facility state or Territory legislation may apply which may or may not mirror the Commonwealth legislation. For simplicity, this policy only makes explicit reference to the Commonwealth legislation; however, the policy will be applied to each jurisdiction where powers have been conferred on NOPSEMA.

4. Policy

4.1. General principles

Where provided with an acceptable written application NOPSEMA will:

(1) pursuant to OPGGS Act sections 616 and 617, for the purpose of protecting a petroleum or greenhouse gas well, a structure, or any equipment, in an offshore area, by notice published in the *Gazette*, prohibit:

(a) all vessels; or

(b) all vessels other than specified vessels; or

(c) all vessels other than the vessels included in specified classes of vessels;

from entering or being present in a specified area (the safety zone) surrounding the petroleum or greenhouse gas well, structure or equipment without the written consent of NOPSEMA;

(2) pursuant to OPGGS Act sections 616 and 617, provide written consent for a vessel to enter or be present in a safety zone;

(3) pursuant to OPGGS Act section 618(3), by written notice given to the applicant, authorise a vessel to enter and to be present in the area to be avoided.

4.1.1. Assumption that information submitted by the applicant is correct

A fundamental assumption is made that information provided by the applicant is correct.

4.1.2. Assessment conducted on the submission and any responses to requests for further written information

The lead assessor will make judgements on the adequacy of the application based on the content of the application and further written information requested by NOPSEMA during the course of the assessment. In order to expedite the assessment, the applicant and NOPSEMA should both participate fully and openly in a two-way communication process before and during the assessment, to ensure that any requests for further written information are addressed in a timely manner.

4.1.3. Requests for further written information shall not be limited

NOPSEMA shall make requests for further written information as required until either NOPSEMA has no further queries on the matter of interest or until the applicant indicates that no further information is currently available to respond to the request.

4.1.4. Notices of assessment delays shall be timely

NOPSEMA shall ensure that applicants are notified of a decision in a timely manner as set out in Table 1 below.

Table 1 - Notification timeframes

Application for	Notification timeframe
Establishment of a safety zone	30 days
Variation of an established safety zone	14 days
Consent to enter, and to be present in, a safety zone	14 days
Authorisation to enter, and to be present in, the area to be avoided	14 days

NOPSEMA may decide to find a submission acceptable, not acceptable or be unable to make a decision within the timeframe specified in Table 1.

Where NOPSEMA notifies an applicant that it is unable to make a decision and sets out a proposed timetable for consideration of the application, the reasons shall be included in the notification.

4.1.5. Negative decisions shall be thoroughly documented

Where NOPSEMA finds an application to be unacceptable, the reasons will be documented in the written response to the applicant.

4.1.6. Negative decisions shall be handled consistently

NOPSEMA finding an application to be unacceptable does not pose any impediment to revising and resubmitting an application.

4.1.7. Coordinates

Where an application makes reference to one or more locations, the coordinates shall be described via degrees, minutes and seconds (the latter to two decimal places) of latitude and longitude utilising the GDA94 datum.

4.2. Safety zone establishment and variation

4.2.1. Scope – Petroleum Safety Zone

For the purposes of OPGGS Act section 616, NOPSEMA will consider equipment to *potentially* include, with respect to a facility as defined in OPGGS Act Schedule 3 Clause 4(1)(b)(i):

(1) any associated plant and equipment by means of which petroleum processed or stored at the facility is recovered; and

(2) the dynamic portions of any flexible pipe or system of flexible pipes through which petroleum is conveyed from a well to the facility; and

(3) the dynamic portions of any flexible secondary line associated with the facility; and

(4) the dynamic portions of mooring catenaries associated with structures.

Consistent with the provisions of OPGGS Act section 616, NOPSEMA will find any application for the establishment of a petroleum safety zone around a vessel, irrespective of whether it is, as defined by OPGGS Act Schedule 3 Clause 4, a facility, to be unacceptable. NOPSEMA notes that vicarious protection may be provided to such vessels by way of their proximity to and hence presence within a petroleum safety zone associated with a well, structure or any equipment.

4.2.2. Scope – Greenhouse Gas Safety Zones

For the purposes of OPGGS Act section 617, NOPSEMA will consider equipment to *potentially* include, with respect to a facility as defined in OPGGS Act Schedule 3 Clause 4(5D):

(1) any associated plant and equipment by means of which a greenhouse gas substance processed or stored at the facility is injected into the sea bed; and

(2) the dynamic portions of any flexible pipe or system of flexible pipes through which a greenhouse gas substance is conveyed from a well to the facility; and

(3) the dynamic portions of any flexible greenhouse gas injection line associated with the facility; and

(4) the dynamic portions of mooring catenaries associated with structures.

NOPSEMA will find any application for the establishment of a greenhouse gas safety zone around a vessel, irrespective of whether it is a facility (as defined by OPGGS Act Schedule 3 Clause 4), to be unacceptable. This is consistent with the provisions of the OPGGS Act section 617.

NOPSEMA notes that vicarious protection may be provided to such vessels by way of their proximity to and hence presence within a greenhouse gas safety zone associated with a well, structure or any equipment.

4.2.3. Applicants

NOPSEMA shall only consider applications for the establishment or variation of a safety zone made by titleholders or operators of petroleum production or greenhouse gas facilities (as defined in OPGGS Act Schedule 3 Clause 4(1)(b)(i) and Clause 4(5D)).

4.2.4. Written applications

NOPSEMA shall only consider written applications for safety zones made via a completed NOPSEMA Safety Zone Application Form (N-04800-FM0910 for new and N-04800-FM0942 for a variation) and supporting documentation where applicable (refer to following sections 4.2.5, 4.2.6 and 4.2.7).

4.2.5. Consultation

(1) An application for establishment or substantive variation[1] of a safety zone must include a report that describes consultation the applicant has undertaken with:

  (a) relevant Commonwealth and state/NT agencies

  (b) any users of the ocean commons (person or organisation) likely to be especially affected by the establishment of the safety zone, for example, but not limited to, First Nations people and fishers.

(2) The report on consultation undertaken must include:

  (a) a summary of each response made by an agency, person or organisation that has been consulted by the applicant

  (b) an assessment by the applicant of the legitimacy of any objection or claim of adverse impact

  (c) a statement of the manner (if any) in which the applicant has responded or proposes to respond to each objection or claim.

4.2.6. Justification for the extent of a safety zone

OPGGS Act sections 616(2) and 617(2) provide that a safety zone *may* extend to a distance of 500 metres around a well, structure or equipment.

An application must provide a case for the extent of a safety zone sought in the interests balancing the risks to the safety of the well, structure or equipment with the potential impacts on other users of the ocean commons. Such a case should include (but not be limited to) consideration of factors such as:

(1) proximity to shipping lanes;

(2) proximity to commercial fisheries;

(3) water depth;

(4) the activities that will, or are likely to, take place at, or in connection with, the well, structure and/or equipment; and

(5) the outcomes of consultation as described in section 4.2.5 above.

[1] A substantive variation being a change to the wells, structures and/or equipment for which protection is being sought

4.2.7. Complex safety zones

Where an applicant is requesting the establishment or variation of a safety zone that encompasses a combination of one or more wells, structures or items of equipment, the application shall include:

(1) A black and white A4 sized line diagram (or diagrams where appropriate) of the proposed safety zone(s) that includes:

   (a) a graphical representation of the boundaries of the proposed safety zone(s) including latitudes and longitudes sufficient to clearly delineate the area(s)

   (b) a graphical representation of the wells, structures and equipment for which protection is being sought, along with any other notable items infrastructure in the vicinity such as floating production facilities, flowlines, pipelines and umbilicals.

(2) A tabulation of the latitude and longitude of all wells, structures and equipment for which protection is being sought along with other significant items of infrastructure such as floating production/storage facilities.

4.2.8. Decision making

The decision to publish a safety zone notice is within NOPSEMA's remit. The decision will be informed by relevant information, including relevant information provided by the titleholder. NOPSEMA will find an application for the establishment of a safety zone to be acceptable if there are reasonable grounds for believing:

(1) the application form contains all relevant information

(2) the case for the extent of the safety zone represents a reasonable balance between reducing the risks to the well, structure and/or equipment and the impacts on other users of the ocean commons

(3) the consultation report mentioned in section 4.2.5 of this policy demonstrates there has been an appropriate level of consultation with authorities, persons and organisations

(4) for complex safety zones, the information required under section 4.2.7 of this policy have been provided.

4.2.9. Notices

NOPSEMA shall utilise a standard format for notices for the purpose of OPGGS Act Sections 616(1) and 617(1), that in addition to identifying the vessels and specifying the area they are prohibited from entering or being present in shall also include:

(1) the name of the titleholder and associated title or operator of a facility and associated facility

(2) provision for expiry or revocation as applicable.

4.2.10. Establishment

A safety zone is only established, pursuant to OPGGS Act Sections 616(1) and 617(1), by NOPSEMA having a notice published in the *Gazette,* where the *Gazette* is the Australian Commonwealth Government Notices Gazette as published by the Office of Parliamentary Counsel. Notices are now solely published electronically on Federal Register of Legislation website (legislation.gov.au/) as individual notices and are available immediately on publication.

Within 14 days of being notified of an application being accepted, NOPSEMA will email the applicant a link to the published gazette containing the notice, confirming the establishment of the safety zone.

NOPSEMA also maintains a listing of current gazetted notices on its website, complete with links to the actual notices, at: nopsema.gov.au/safety/safety-zones/gazetted-notices-listing/.

4.2.11. Revocation

Where advised by the applicant for a safety zone that all structures and equipment protected by a safety zone have been removed from the seafloor and water column NOPSEMA shall by notice published in the *Gazette*, revoke the safety zone.

4.2.12. Variations

Applications to vary a safety zone provide for changes to:

(1) the name(s) of an operator or titleholder; and/or

(2) the operator and/or titleholder; and/or

(3) the wells, structures and/or equipment for which protection is being sought

associated with an established safety zone.

Acceptable applications will result in a notice (see section 4.2.9 above) published in the *Gazette* (see section 4.2.10 above) that revokes an existing safety zone and simultaneously establishes a replacement that incorporates the requested changes.

4.3. Consent to enter or be present in a safety zone

4.3.1. Applicants

NOPSEMA shall only consider applications for consent for a vessel(s) to enter and be present in a safety zone made by the relevant titleholder or operator (of the petroleum production or greenhouse gas facility as defined in OPGGS Act Schedule 3 Clause 4(1)(b)(i) and Clause 4(5D)) associated with the well(s), structure(s), and/or equipment being protected by a safety zone.

4.3.2. Written applications

NOPSEMA shall only consider written applications for consent to enter and be present in safety zones made via a completed NOPSEMA Application for Entry and Presence in a Safety Zone form (N-04800-FM0911).

4.3.3. Decision making

NOPSEMA shall find an application for consent to enter and be present in a safety zone to be acceptable if there are reasonable grounds for believing the application form:

(1) contains all relevant information; and

(2) includes an explicit statement that systems are in place to manage the risks to the well, structure and/or equipment that may be posed by the entry and presence of the vessel in the safety zone.

4.4. Authorisation to enter or be present in the area to be avoided

4.4.1. Applicants

Pursuant to section 618(1) of the OPGGS Act, NOPSEMA shall only consider applications for authorisation for vessels to enter and be present in the area to be avoided made by a vessel owner.

4.4.2. Written applications

NOPSEMA shall only consider applications for authorisation for vessels to enter and be present in the area to be avoided made via a completed NOPSEMA Application for Entry and Presence in the Area to be Avoided form (N-04800-FM0912).

4.4.3. Decision making

NOPSEMA shall find an application for authorisation to enter and be present in the area to be avoided to be acceptable if there are reasonable grounds for believing the application form provides all relevant information including:

(1) a legitimate reason for the vessel(s) to enter and be present in the area to be avoided, and

(2) a signed statement to the effect that the applicant will comply with any conditions imposed (pursuant to Section 618(4) of the OPGGS Act) that NOPSEMA may impose as part of granting authorisation.

4.4.4. Conditions

Authorisations to enter and be present in the area to be avoided will be to subject to conditions that include (but are not limited to):

(1) The authorisation will only apply to named vessels, owned by the applicant.

(2) Each vessel must remain in radio contact 24 hours a day while it is located within the area to be avoided.

(3) Each vessel must observe any prescribed petroleum or greenhouse gas safety zones in the area to be avoided.

(4) Each vessel must monitor AusCoast warnings and Australian notices to mariners for offshore operations before the transit is to take place.

(5) Each vessel must participate in the Australian Maritime Safety Authority MASTREP system.

(6) The authorisation will only be valid for a fixed period of time.

4.4.5. Publications

Current authorisations to enter the area to be avoided will be published on the NOPSEMA website here: nopsema.gov.au/safety/safety-zones/authorisations-to-enter-the-atba/

4.4.6. Revocation

Where NOPSEMA has reasonable grounds for believing that a vessel owner has not complied with one or more of the conditions contained in an authorisation, NOPSEMA may, by written notice to the vessel owner, revoke the authorisation that is in force in relation to a vessel, as provided for by OPGGS Act Section 618(5).