

# Design Notification Scheme Assessment

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## 1. Purpose

The Commonwealth Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2024 [OPGGS(S)] and where powers have been conferred on NOPSEMA establishes requirements for design notifications.

This policy supports and provides detail to the overarching assessment policy. This policy should therefore be read in conjunction with N-04000-PL0050 – Assessment.

## 2. Scope

This policy applies to the assessment of all design notifications submitted to NOPSEMA under the Commonwealth Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2024 [OPGGS(S) Regs] and the relevant state and Northern Territory equivalents, where powers have been conferred on NOPSEMA (currently only Victoria).

## 3. Relevant legislation

The Commonwealth Offshore Petroleum and Greenhouse Gas (Safety) Regulations 2024 and, in particular, OPGGS(S) Regulations 2.4F to 2.4K, 2.5(6) and 2.26(1)(e) are relevant to design notifications.

Copies of Commonwealth legislation can be downloaded from the Federal Register of Legislation website ([www.legislation.gov.au](http://www.legislation.gov.au)).

For simplicity this policy only makes explicit reference to the Commonwealth legislation; however, the policy will be applied equally, regardless of jurisdiction, in jurisdictions where the legislation confers powers on NOPSEMA.

## 4. Design notification scheme

The purpose of the design notification scheme is to allow for engagement with NOPSEMA on the design aspects of the facility prior to the submission of the safety case. The primary focus of the design notification assessment is to assess whether the design of the facility reduces risk to ALARP. The regulations set out specific information which must be included in the design notification and which needs to be included as a part of the assessment.

The design notification scheme only applies to new or significantly altered production or greenhouse gas facilities as defined in the regulations. The regulations define the meaning of these terms, however it should be noted that a facility is only significantly altered if there is a change of function (for example, from production to a greenhouse gas facility). Further guidance is also provided in the NOPSEMA guidance note N-04030-GN2325 - Design Notification.

## 5. Pre-assessment

Prior to commencing the assessment of the design notification, a pre-assessment process will be undertaken to confirm that the requirements of regulations 2.4H(b) and (c) have been met.

This will be facilitated by a standard cover sheet (N-04030-FM2320 - Design Notification Submission Cover Sheet). NOPSEMA shall acknowledge receipt of the design notification in writing.

## 6. Timing of submission

The regulations describe when a design notification should be submitted as being '*submission prior to any construction or alteration work being commenced*' and '*in sufficient time to allow for any comments made by NOPSEMA to be taken into account in the final design decision*'. The timing of the submission is however also constrained by the level of project definition required to satisfy the content requirements described in subsections 2.4H(d)-(m)) together with the requirement of 2.4H(a)(i).

These requirements require that a level of design maturity has been reached. In particular, there should be a single selected option and the person submitting the design notification should be able to explain how the design of the facility reduces risk to ALARP.

## 7. Design notification and staged safety cases

The safety case regulations allow for a staged submission, however only a single design notification is allowed by the regulations. The design notification must be concluded before the first submission of a staged safety case.

## 8. Requests for further written information and engagement with submitting person

The regulations do not empower NOPSEMA to reject a design notification. If in the view of NOPSEMA the submission lacks sufficient detail, NOPSEMA will respond to the submission with a request for further written information.

NOPSEMA may request the person submitting the design notification to provide further written information (RFFWI) about any matter relating to the design of the facility that is required by the regulations to be included in a design notification. The request will:

- be in writing
- set out each matter for which the information is requested; and
- specify a period of at least 30 days within which the information is to be provided.

As a part of this process, discussions between NOPSEMA and the person submitting may be held regarding any RFFWIs to aid the understanding of both parties. Discussion may be carried out:

- prior to the person submitting the design notification responding to the RFFWIs, to allow for clarification of the information required by NOPSEMA

- following NOPSEMA's receipt of the responses to the RFFWIs, so that the person submitting the design notification can provide relevant background information and so that NOPSEMA can clarify if there remain any deficiencies in the provided information.

Information is only considered to be a part of the design notification when provided as a written response.

Any RFFWI will be limited to the matters set out in the regulations as being required to be included in the design notification. A RFFWI should only request more information on these matters, including the basis of any information that is requested. A RFFWI may also seek to clarify any conflicts in information provided within the design notification.

The RFFWI will not be considered to be closed out until NOPSEMA is satisfied that all required information has been provided.

## 9. Assessment outcome

The regulations do not empower NOPSEMA to accept, approve, agree or reject a design notification. The assessment, including any RFFWI and consideration of the subsequent responses, shall result in NOPSEMA producing and providing to the person that submitted the design notification written comments related to the design. The written comments shall contain details of any matters that NOPSEMA considers may affect the safety of the new production facility or the new GHG facility or that may otherwise adversely impact on the reduction of safety risks to a level that is as low as reasonably practicable. When those comments have been provided the assessment will be considered to be concluded.

## 10. Assessment completion shall be timely

The overall assessment process will be completed within 90 days of receiving the submission. Unlike safety case assessments, if NOPSEMA requests additional written information this will "stop the clock" on the 90 days until the last of that information is received.

NOPSEMA shall ensure that the submitting person is notified of NOPSEMA's assessment comments in accordance with the applicable regulations [Reg 2.4J] and the conclusion of the assessment is in a timely manner.

## 11. Fundamental change to concept

There may be times where a submitted concept undergoes a fundamental change following the submission of a design notification. Examples include change in concept, field location or substantial change to the topsides' process. If this fundamentally affects the information which has been provided to satisfy the regulations a new design notification will be required. Consideration should be given to how any risk reduction measures may have been affected. It is recommended that NOPSEMA is consulted prior to any new submission.

Where a new submission is required, the policy regarding requests to terminate an assessment should be considered (Section 12).

Minor changes may be addressed through the subsequent safety case, where changes from the design notification can be identified and their impact on risk reduction measures discussed.

Any changes, and the impact of those on the design notification, may be discussed with NOPSEMA.

## 12. Request to terminate assessment by submitting person

NOPSEMA recognises that there may be situations where the submitting person does not wish to proceed with an assessment. If this is the case, NOPSEMA must be notified in writing by the submitting person that they wish for NOPSEMA to conclude the assessment process and that they will not submit a new safety case based on this concluded assessment.

Termination should only be requested when the person submitting is able to confirm that there will be no subsequent safety case. If this subsequently changes, a new design notification would be expected to be submitted.

Upon receipt of this notification NOPSEMA will conclude the assessment. Any comments to the design notification which have been developed at that point may be issued for information to the person submitting. Fees will be payable for any time which NOPSEMA have spent on the submission. Assessment of a new submission will be considered to “start again” with all information to be assessed. No reduction in fees for a subsequent submission following withdrawal of a previous submission will be made.

## 13. Conclusion of assessment due to non-response to RFFWIs

NOPSEMA will conclude an assessment if the required information to address an RFFWI is not provided within 180 calendar days, unless otherwise agreed with the person submitting the design notification. Prior to this, NOPSEMA will attempt to liaise with the submitting person. Assessment comments will be issued on the basis of the information provided.

It should be noted that NOPSEMA's comments may not be able to cover all aspects of the facility in this circumstance if the submission does not have sufficient information or lacks definition of key details. This may result in subsequent rejection of a safety case if design features are not able to be shown to reduce risk reduction to a level that is ALARP.