

Licensing and approvals process for a renewable energy feasibility permit (REFP) over non-designated land in South Australia

Introduction

As of 11 July 2024, approvals required to undertake exploration and development activities associated with new hydrogen and renewable energy projects in South Australia will need to be sought via the licensing and approvals processes for under the Hydrogen and Renewable Energy Act 2023 (HRE Act), and associated regulations.

The responsibility for administering the HRE Act and regulating activities approved under the HRE Act now sits with the Department for Energy and Mining (DEM).

Under the HRE Act there are two pathways for approvals depending on whether the proposed development is designated land (land under pastoral lease, state waters and other Crown Land where defined determined by regulation) or non-designated freehold land.

This brochure sets out the assessment and approval pathway for a person applying for a Renewable Energy Feasibility Permit (REFP). An REFP is required to undertake renewable energy feasibility activities on non-designated land. REFPs can only be issued over non-designated land. If part or all of the application area includes designated land, contact DEM about options for accessing this area.

Key steps in this process are as follows:

PERMIT APPLICATION APPLICATION

Submitted as early as possible, noting will need to include proposed work program.

ASSESSMENT AND APPROVAL OF STATEMENT OF ENVIRONMENTAL OBJECTIVES (SEO)

Requires preparation of an environmental impact report (EIR) and SEO, and approval of a consultation plan for targeted consultation on both EIR and SEO, if operations not within the ambit of an existing SEO.

GRANT OF PERMIT

subject to approval of work program and approval of SEO. Authorises licensee to carry out specific activities, subject to meeting conditions and pre-commencement requirements.

PRE-COMMENCEMENT

Approval of operational management plan, and other requirements including a notice of commencement (where required)

While the general process is the same as for other licence types under the HRE Act, it should be noted that there are some differences in requirements for REFPs.

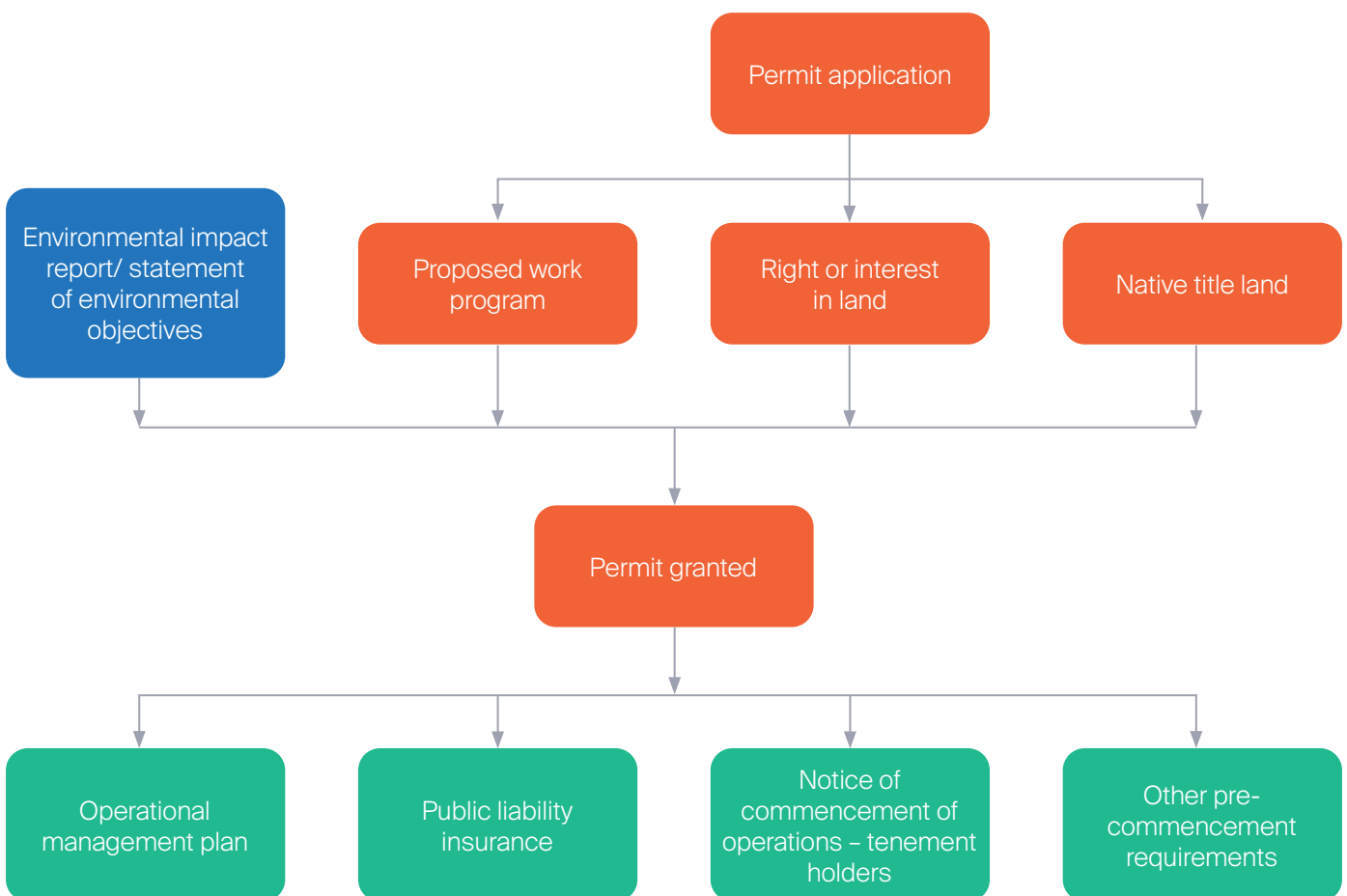
It is recommended that proponents submit a permit application as early as possible to get the application recognised. While the permit application is not required to be lodged first, doing so assists the Department for Energy and Mining with planning and scheduling its regulatory activities and one window to government engagement.

The following flowcharts provide more detailed process steps for the key licensing and approval

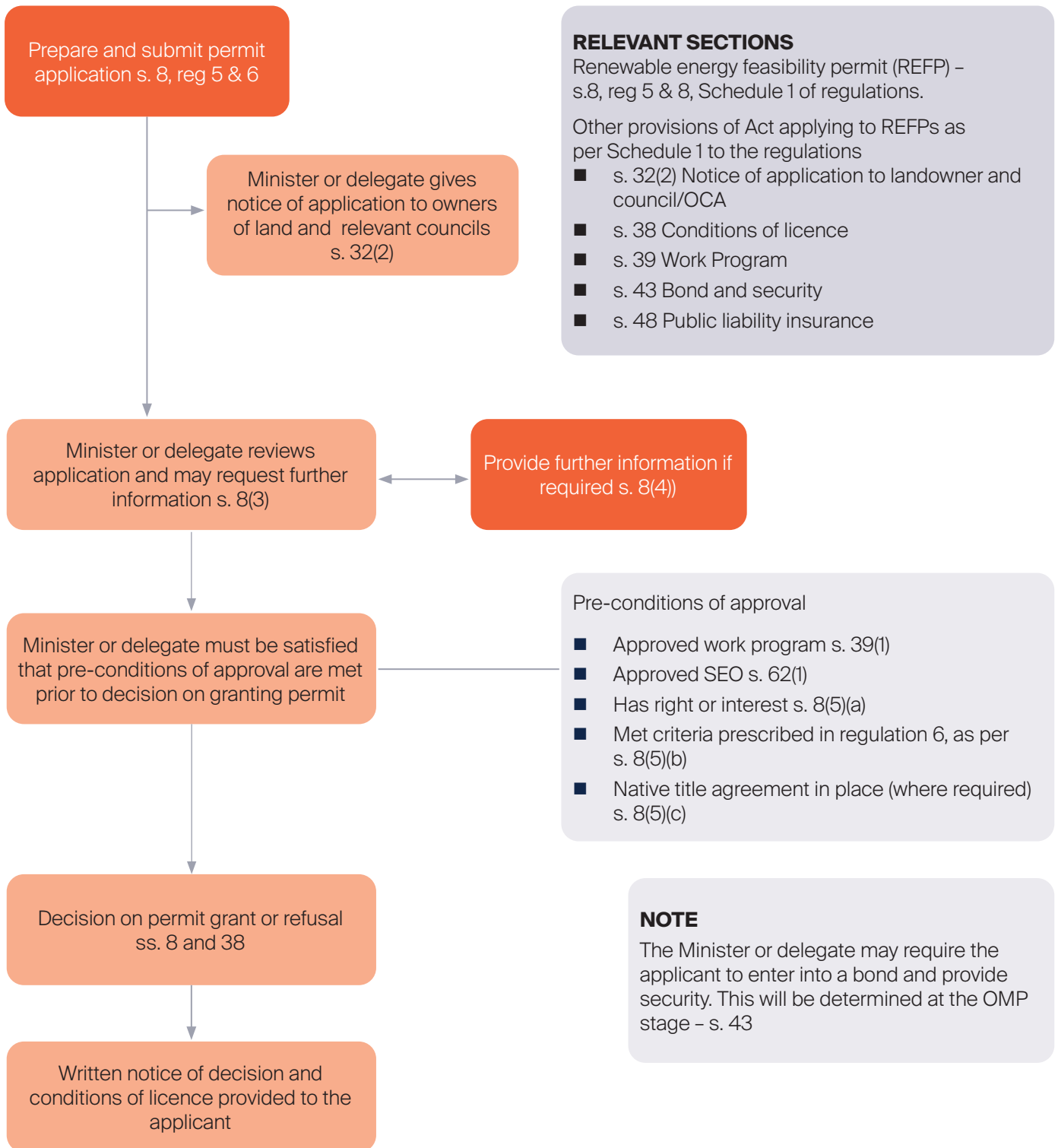
requirements. Relevant sections of the HRE Act and regulations are included for reference. These should be read in conjunction with the HRE Act and associated regulations, ensuring the latest versions are being referenced.

Some of the processes can be undertaken in parallel. Proponents should determine the way they want to proceed with approvals that is appropriate to their circumstances, noting the dependencies to be met before permit can be granted or activities can commence.

Key REFP approval requirements – non-designated freehold land

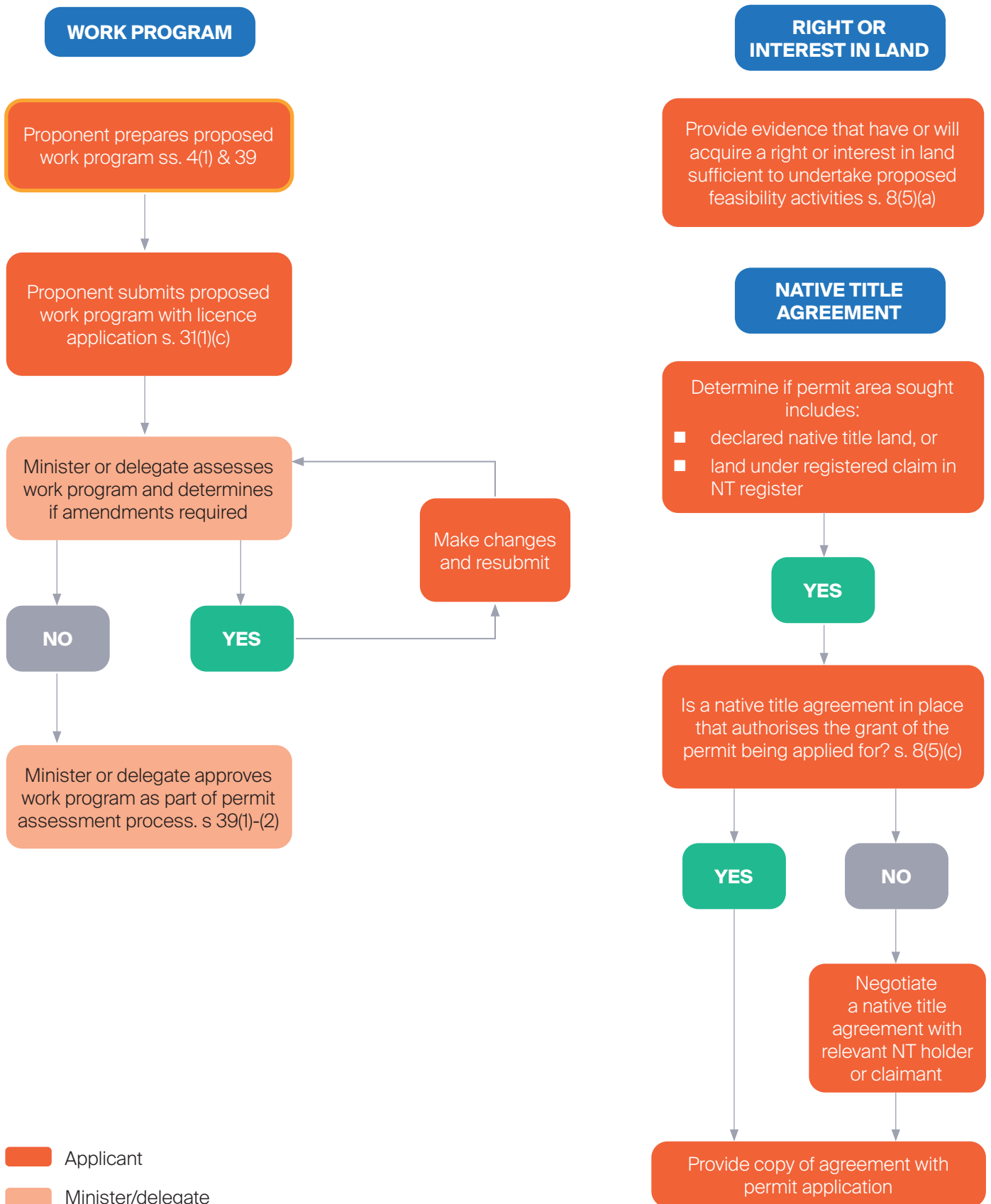


Permit application and approval



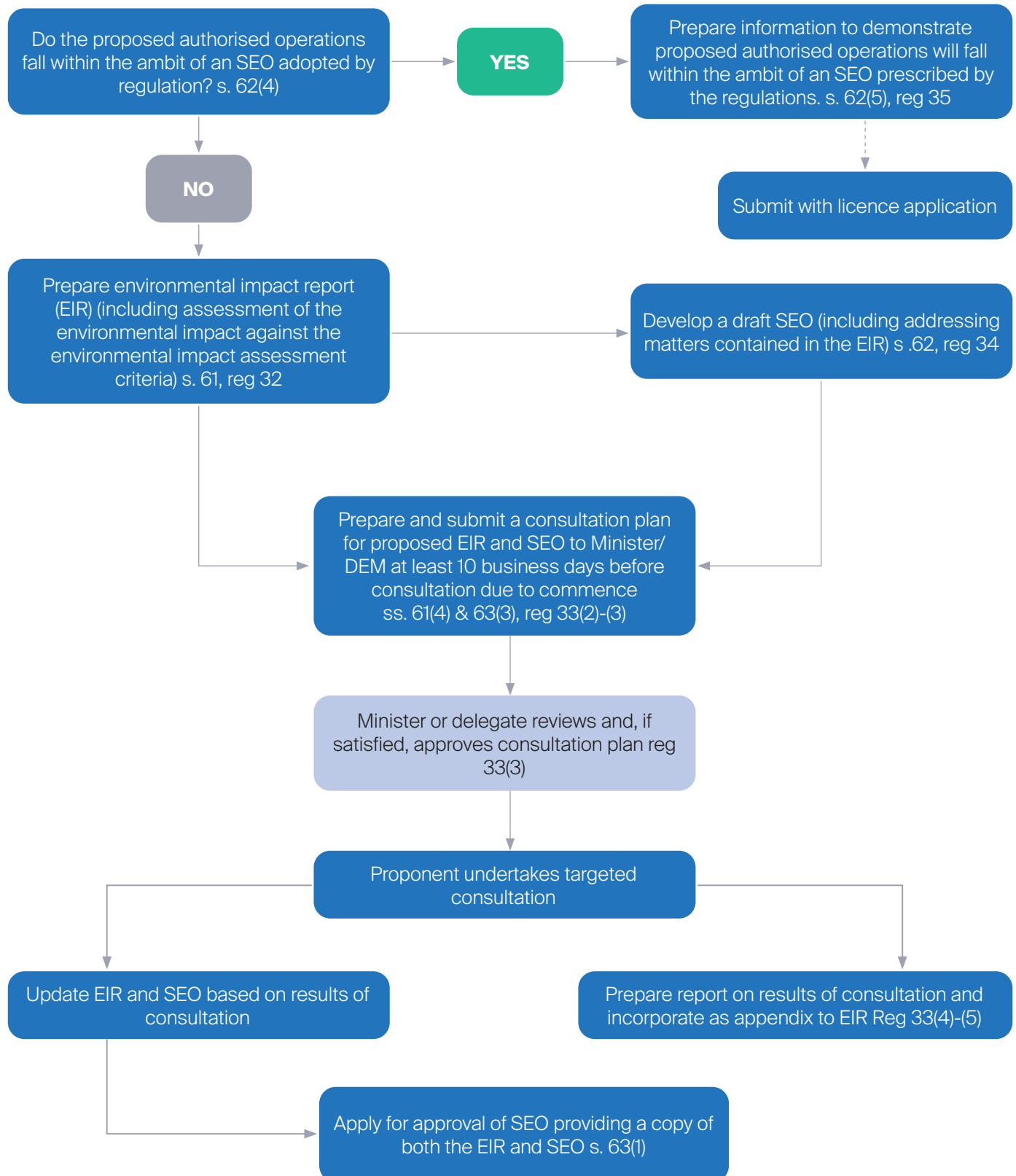
Applicant
 Minister/delegate

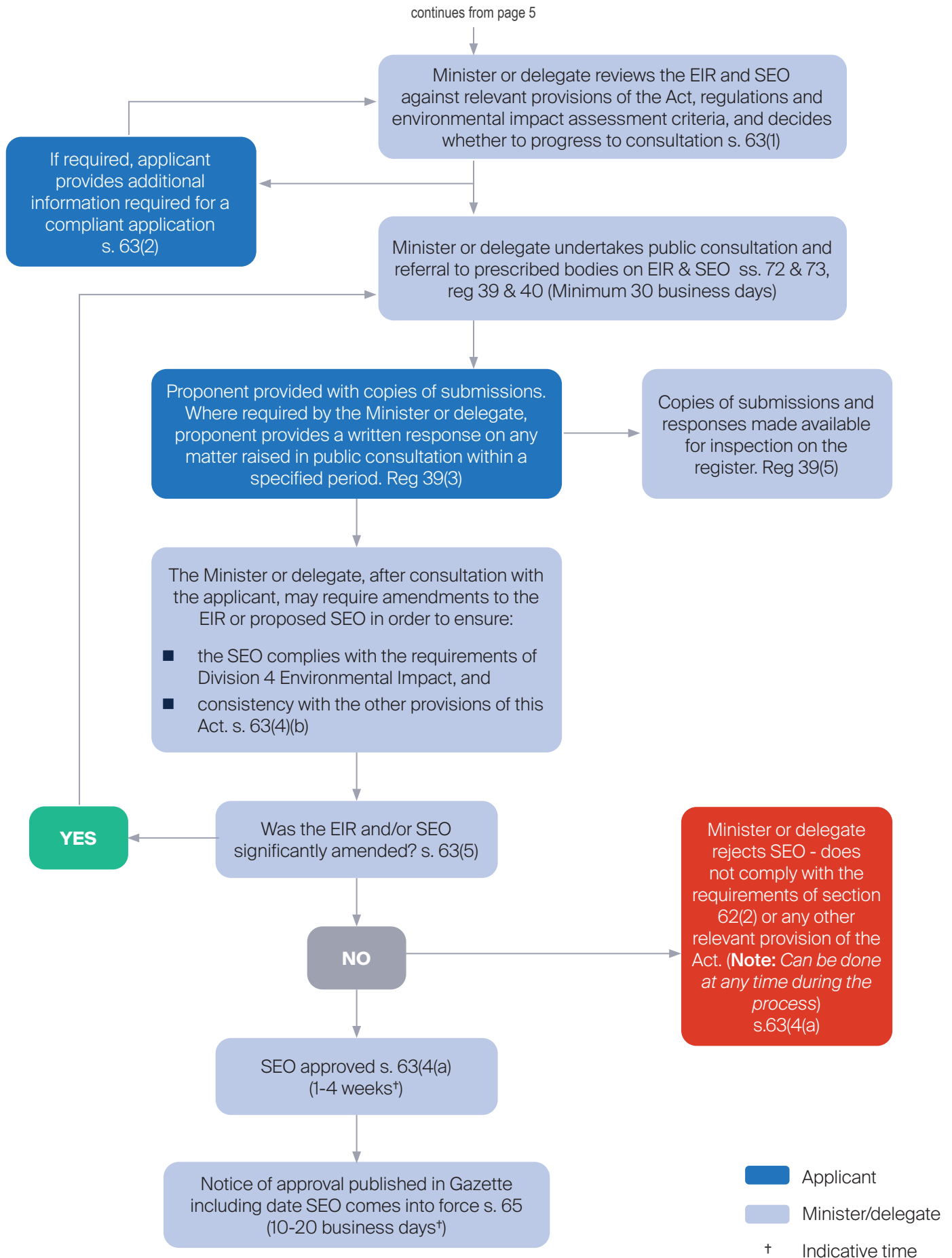
Licence permit - Proposed work program, right or interest in land, native title agreement



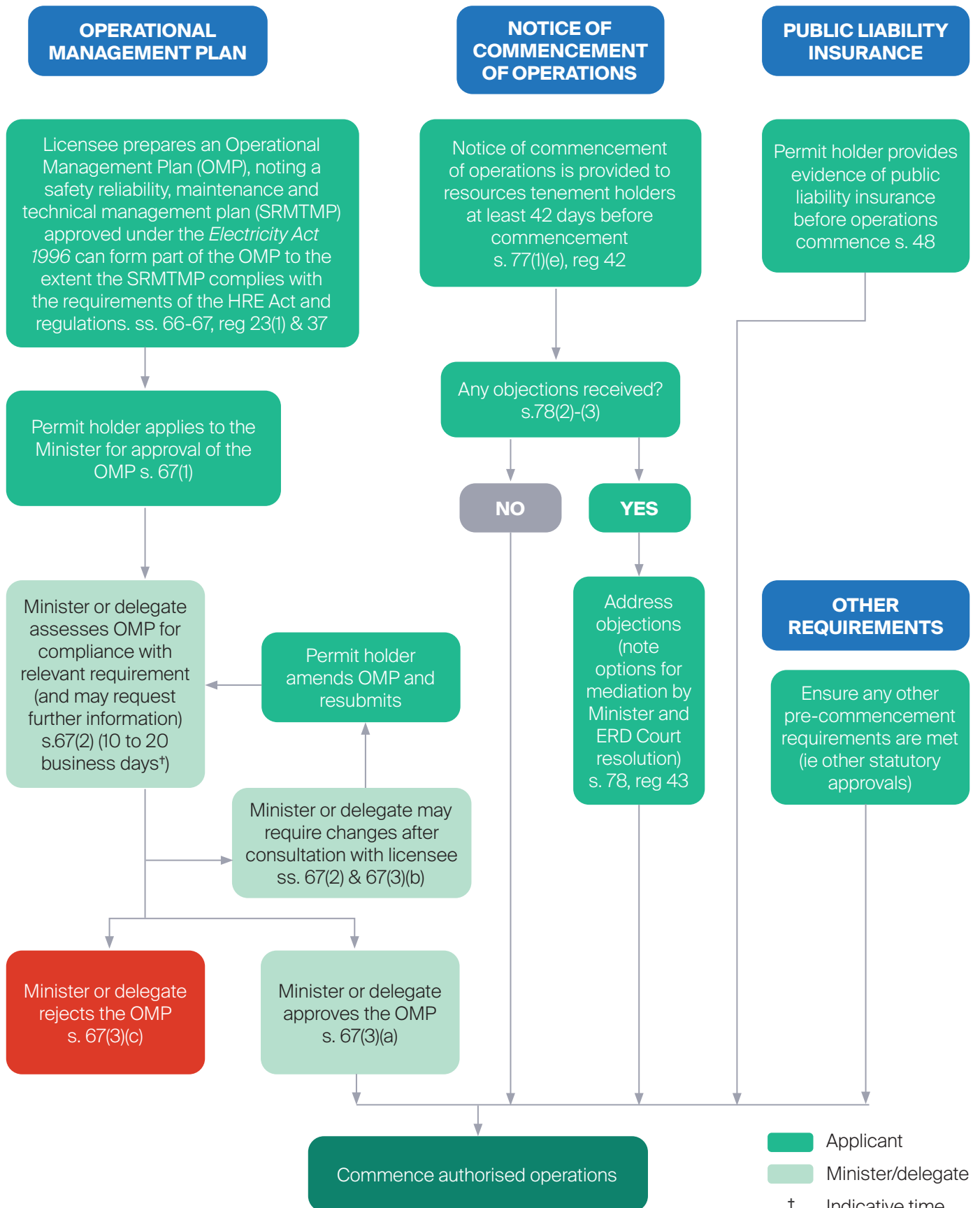
Approval Statement of Environmental Objectives (SEO)

As per s.62(1) of the HRE Act, the Minister must not grant a licence unless an approved SEO objectives in respect of proposed authorised operations is in force. Section 59 makes this a requirement for the issuing of an REFP.





Pre-commencement requirements



Further information, lodgement and reporting

DEM can be contacted about licensing and approval requirements, lodgement of documents for approvals and meeting of reporting obligations as per the following:

DEM Energy Licensing: DEM.ERDLicensing@sa.gov.au

- Enquiries about, and applications for the approval of, licences and permits
- Licence reporting obligations (Part 5 of regulations, excluding incident reports)

DEM Energy Regulation: DEM.EnergyRegulation@sa.gov.au

- Enquiries about, and applications for the approval of:
 - consultation plans
 - statements of environmental objectives and environmental impact reports
 - operational management plans
- Incident reporting (regulation 30)

General information on the HRE Act is also be found at:

www.energymining.sa.gov.au/industry/hydrogen-and-renewable-energy/hydrogen-and-renewable-energy-act

Disclaimer. *While every attempt has been made to ensure that the information in this brochure is accurate, the requirements for individual circumstances may vary. As such this document should be used for guidance purposes only. Applicants are advised to seek independent advice tailored to their individual circumstances, to ensure they identify and address, where applicable, Federal, state and local government approvals required for their specific project.*



Acknowledgement of Country

As guests on Aboriginal land, the Department for Energy and Mining (DEM) acknowledges everything this department does impacts on Aboriginal country, the sea, the sky, its people, and the spiritual and cultural connections which have existed since the first sunrise. Our responsibility is to share our collective knowledge, recognise a difficult history, respect the relationships made over time, and create a stronger future. We are ready to walk, learn and work together.