

Licensing and approvals process for non-designated land in South Australia

Introduction

As of 11 July 2024, approvals for development of new hydrogen and renewable energy and battery energy storage systems, both above 5WM nameplate capacity projects in South Australia will need to be sought via the licensing and approvals process under the *Hydrogen and Renewable Energy Act 2023* (HRE Act) and associated regulations.

Under the HRE Act there are two pathways for approvals of renewable energy infrastructure activities depending on whether the proposed development is on designated land (land under pastoral lease, state waters

and other Crown Land where determined by regulation) or non-designated freehold land.

This brochure sets out the licensing and approvals process for persons applying for the following licences over non-designated land.

- Hydrogen generation licence (HGL)
- Renewable energy infrastructure licence (REIL)
- Renewable energy research licence (RERL)
- Associated infrastructure licence (AIL)

LICENCE APPLICATION

Submitted as early as possible, noting application will need to include a draft 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 LICENCE

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).

It is recommended that proponents submit a licence application as early as possible to get the application recognised. While the licence application is not required to be lodged first, as the Minister or delegate cannot grant a licence unless the applicant has an approved

SEO (or the proposed activities fall within the ambit of an SEO adopted by regulation), doing so assists the Department for Energy and Mining (DEM) 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.

It should also be noted that there may be other statutory requirements that may apply in addition to those required by the HRE Act. DEM can provide an entry point for discussions with other state government Agencies.

If approval is being sought for exploration activities, this requires a Renewable Energy Feasibility Permit (REFP). Refer to the [Hydrogen and Renewable Energy Act section](#) of the DEM website for guidance available. If wanting advice on Special Enterprise licences (SEL), their use will only be considered under exceptional circumstances and will need to be discussed with the Department for Energy and Mining in the first instance.

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 Resources Licensing: [DEM.ERDLicensing@sa.gov.au](mailto: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

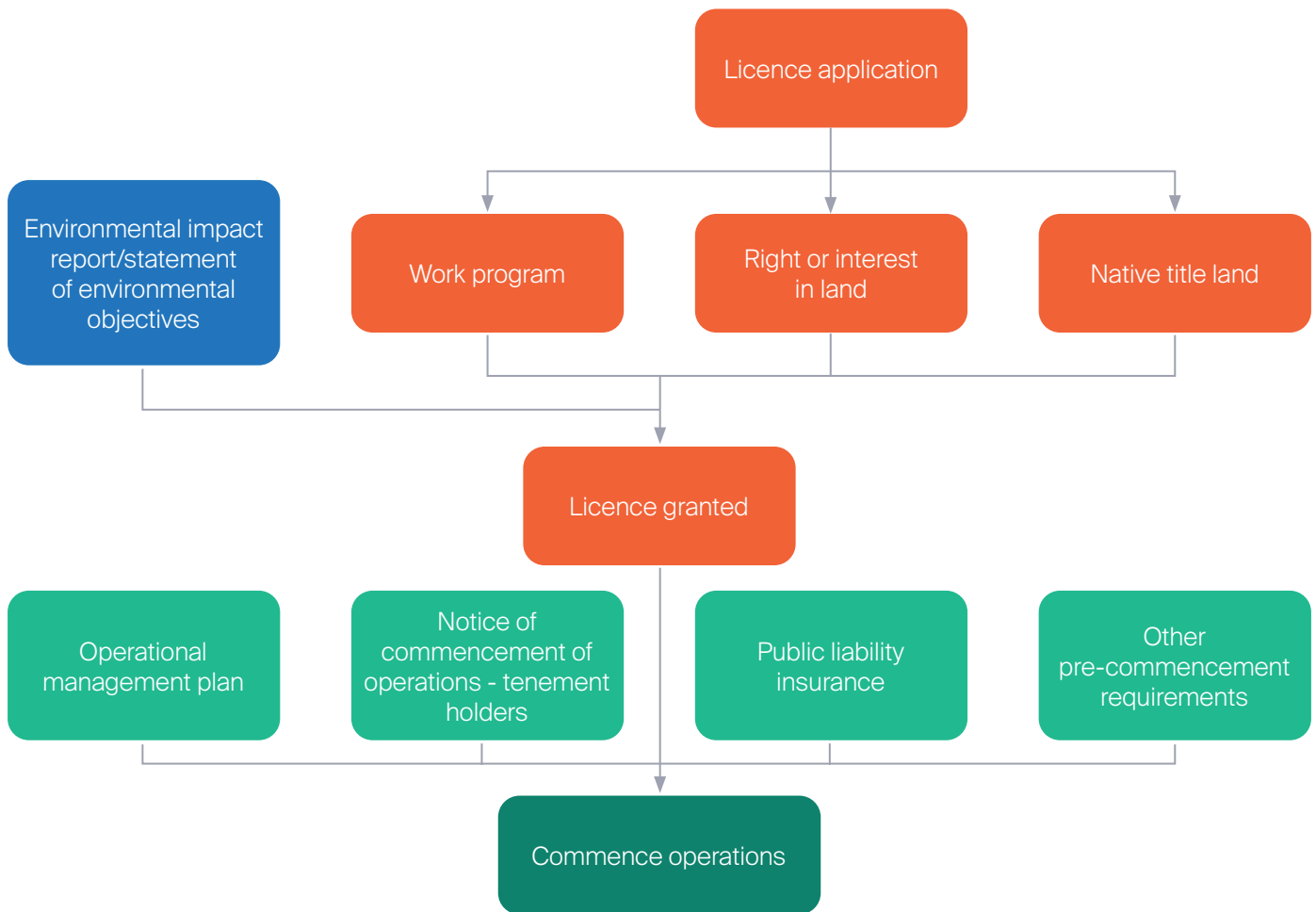
- Enquiries about, and applications for the approval of:
 - consultation plans
 - statements of environmental objectives and environmental impact reports
 - operational management plans
- Incident reporting (regulation 30)

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

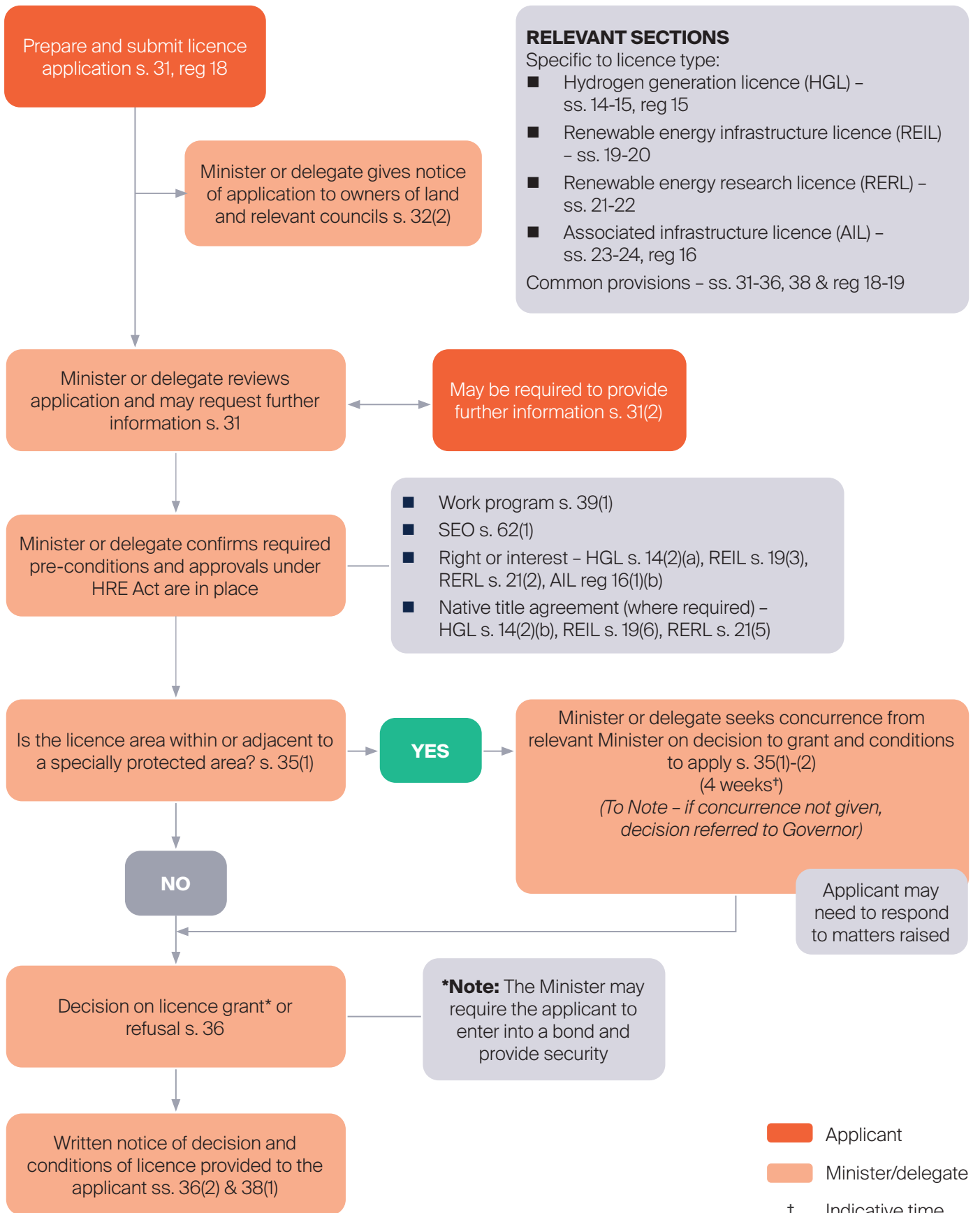
www.energymining.sa.gov.au/industry/hydrogen-and-renewable-energy/hydrogen-and-renewable-energy-act

Disclaimer: *This document only relates to regulatory requirements under the HRE Act. While every attempt has been made to ensure that the information in this document 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.*

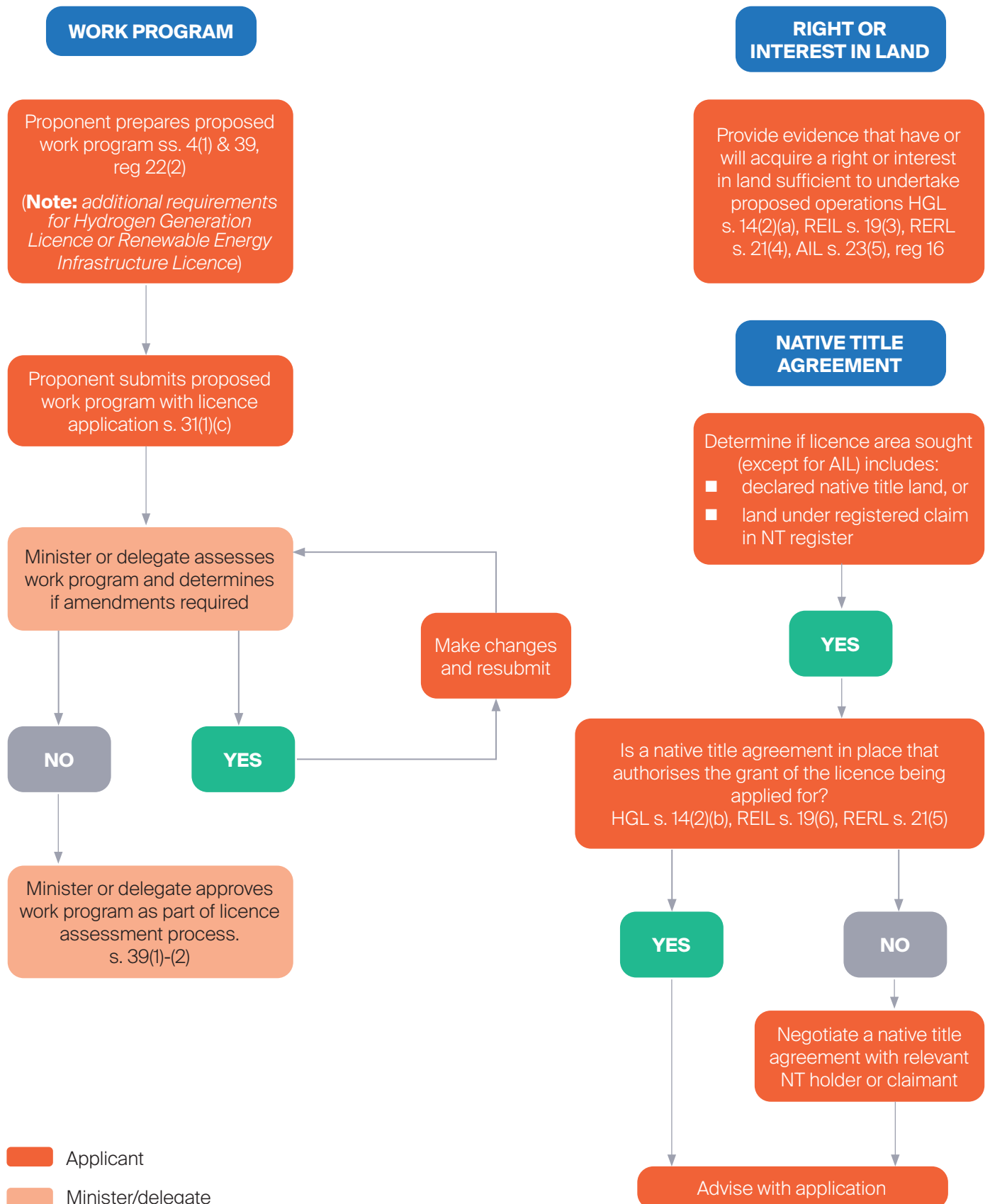
Key approval requirements – non-designated freehold land



Licence application and approval

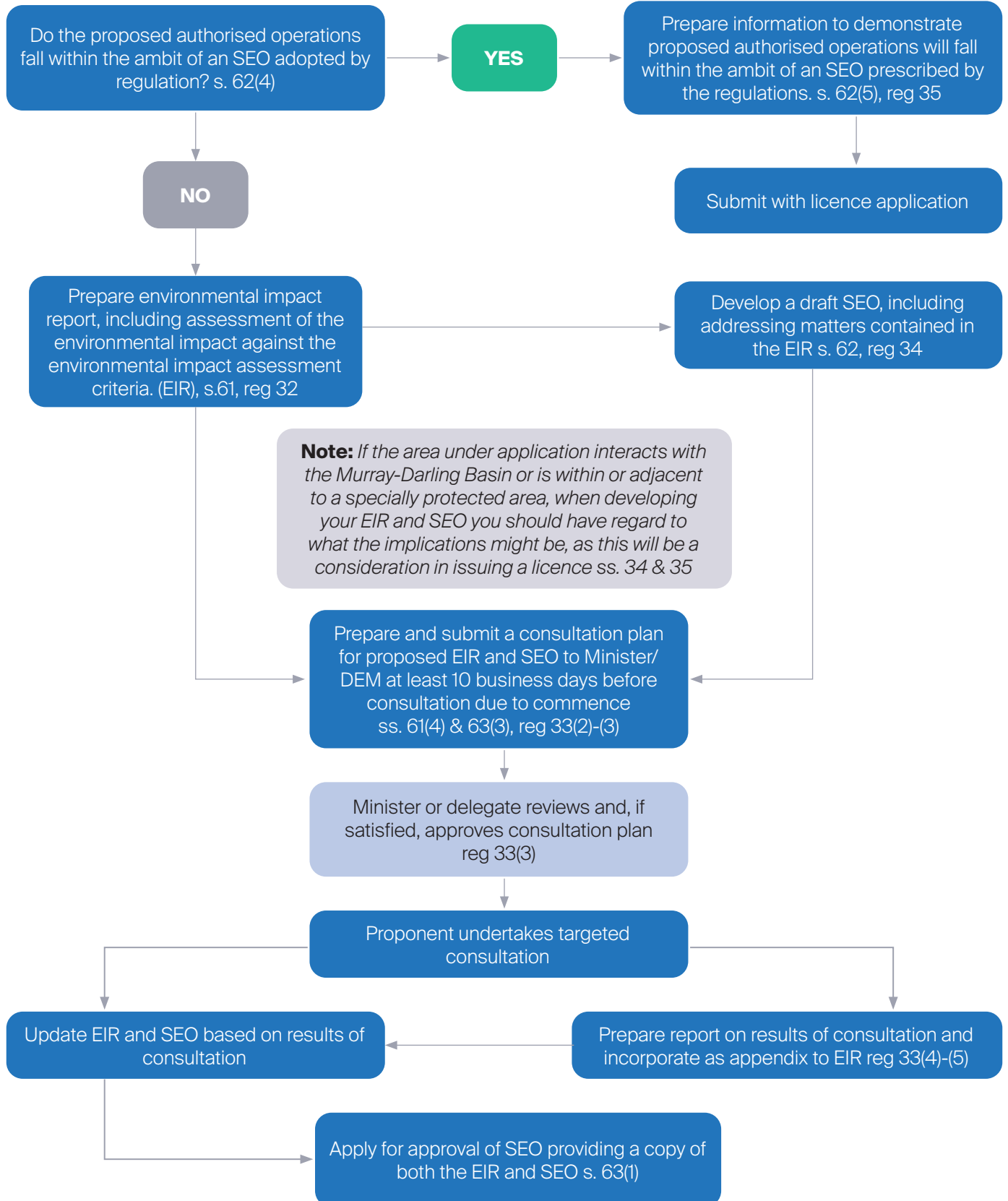


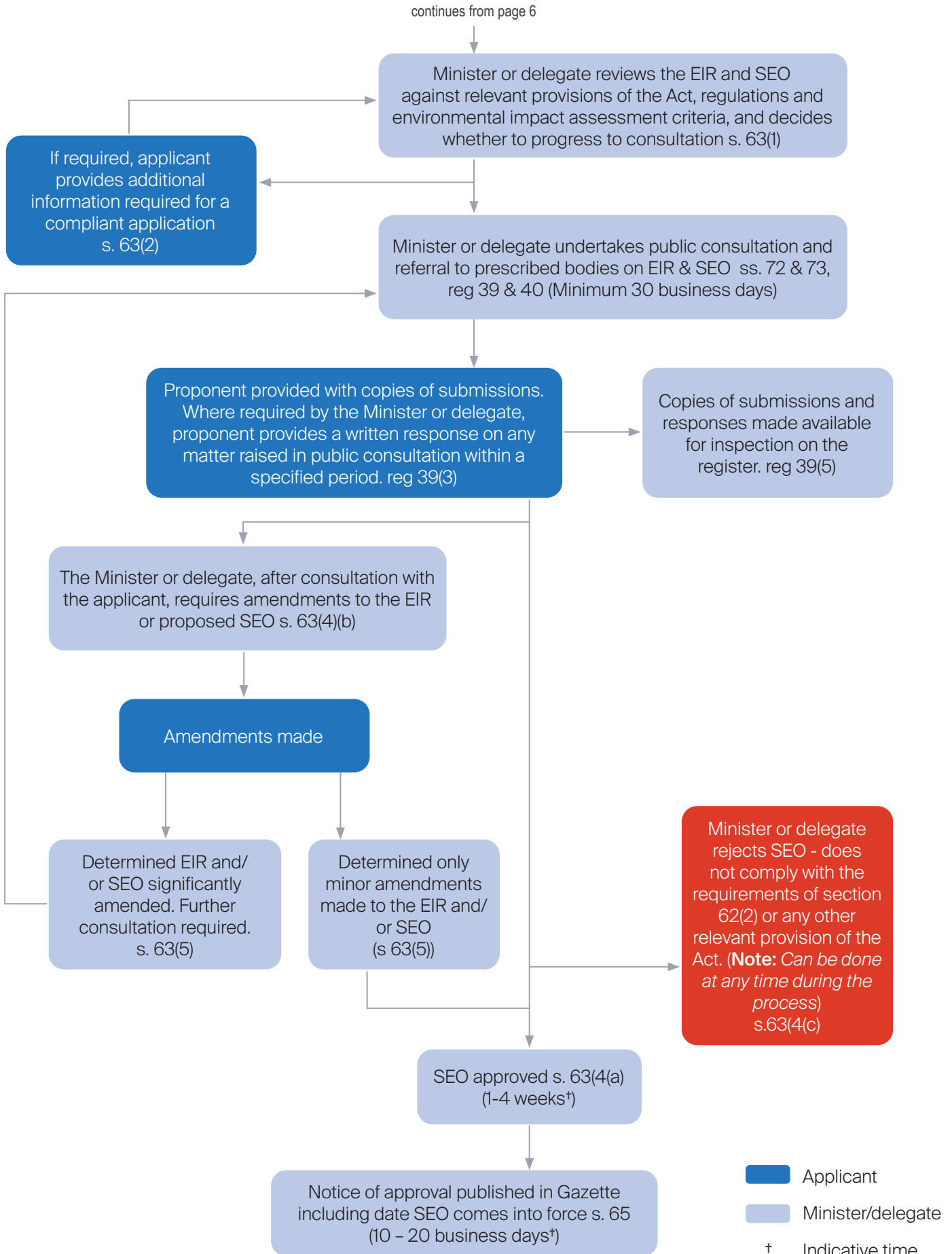
Licence application - proposed work program, right or interest in land, native title agreement



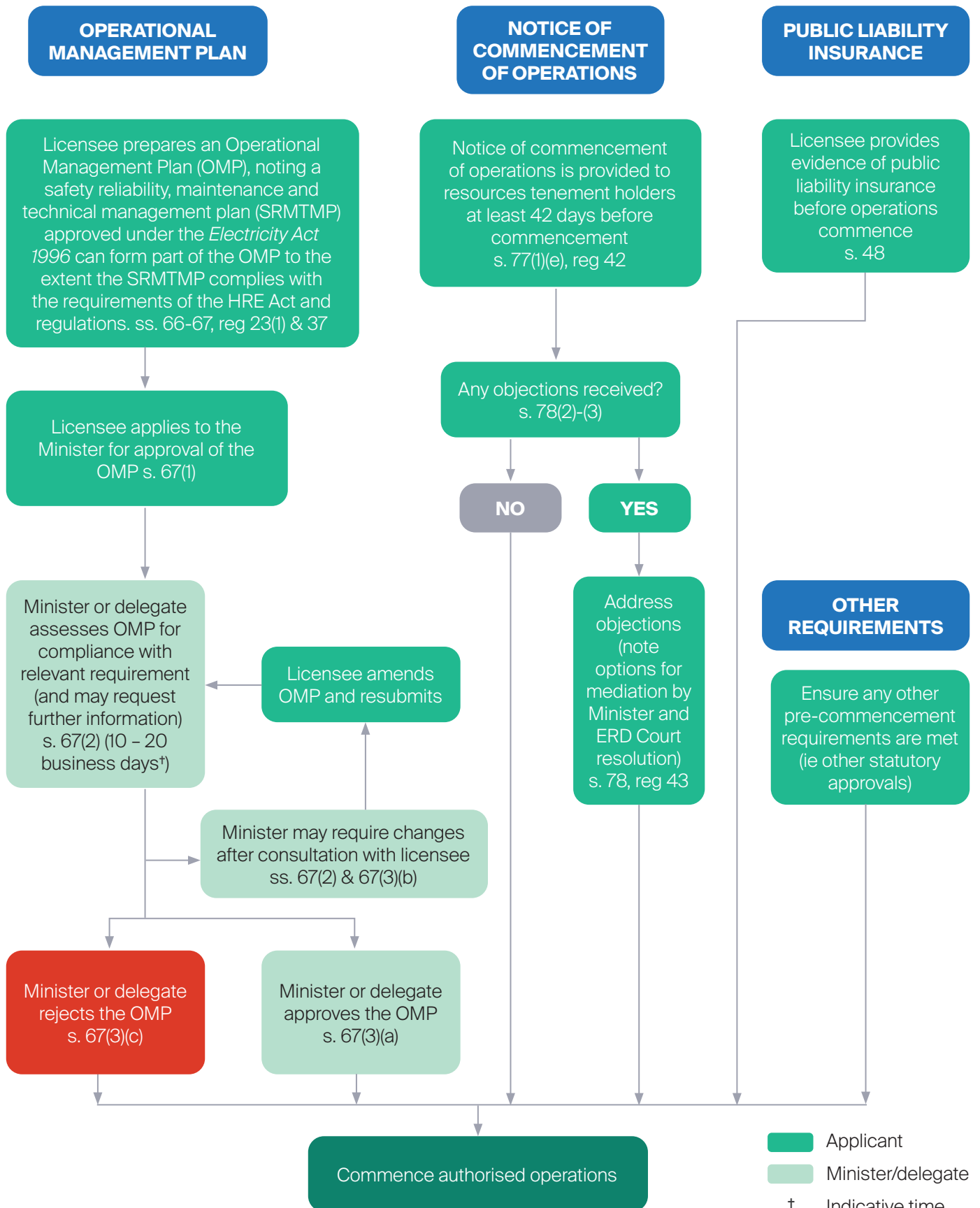
Approval Statement of Environmental Objectives (SEO)

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.





Pre-commencement requirements



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.

FURTHER INFORMATION

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