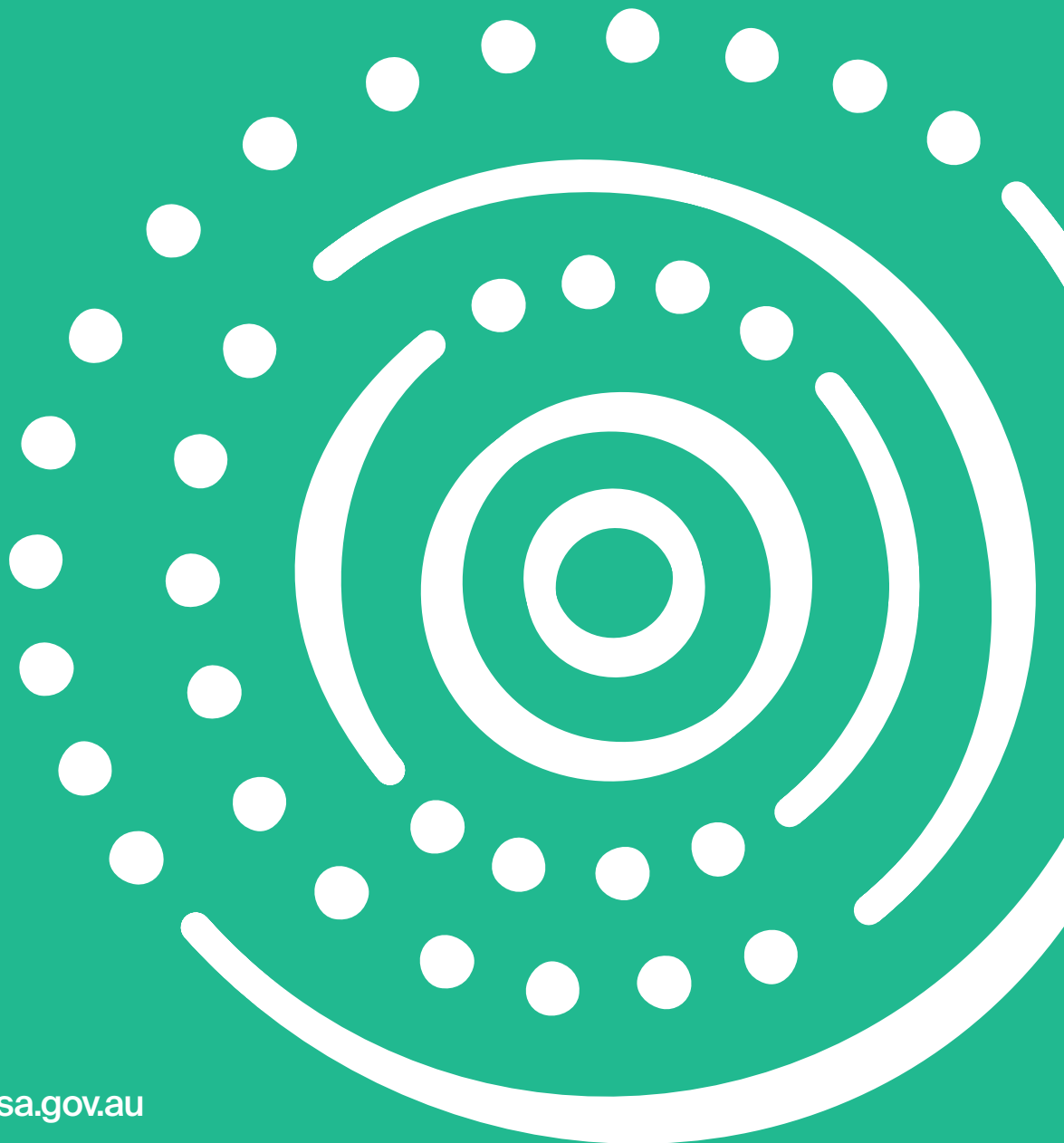




HYDROGEN PROJECT DEVELOPMENT APPROVAL PROCESS



INTRODUCTION

The pathway for obtaining development approval for renewable energy projects, including hydrogen energy, are established under the *Planning, Development, and Infrastructure Act 2016*.

The assessment pathway depends upon the generation capacity and the complexity of the project:

- In the case where a project has less than 5 MW of generating capacity, the preferred pathway is for a Development Application to the relevant Local Council.
- Projects with more than 5 MW of generating capacity are assessed by the State Commission Assessment Panel (SCAP), with referral to the relevant Local Council and Government Agencies for comment. Assessment and decision by SCAP may include a panel meeting, may include appeal rights, and generally takes a minimum of three months.
- Renewable energy projects that are essential infrastructure (generally larger and more complex projects) may apply for Crown Sponsorship and be assessed under Section 131 of the *Planning, Development and Infrastructure Act 2016*. The South Australian Government provides a case management concierge service to assist the navigation of this process.

The process for proponents seeking Crown Sponsorship and assessment by the SCAP can be broken down into three stages:

STAGE 1 – Before submission of a Development Application

STAGE 2 – Submission of a Development Application

STAGE 3 – After Development Approval

Each stage is shown independently below. All stages are required to be assessed against the scope of the project, and completed before activities can commence. However, some stages can occur in parallel.

For further information or advice during the planning stages, including case management services, contact the Department for Energy and Mining (DEM) at hydrogen@sa.gov.au



1 STAGE ONE

BEFORE SUBMISSION OF A DEVELOPMENT APPLICATION

Step 1 APPLYING FOR CROWN SPONSORSHIP

Proponents can request an informal meeting with DEM to discuss the scope of their project before seeking Crown Sponsorship. A request for Crown Sponsorship can be made in the form of a letter to the department's Chief Executive Officer. Case management services can be requested at this stage.

The timeframe for obtaining Crown Sponsorship is about 7 weeks.

Step 2 CONSULTATION WITH LOCAL COUNCIL

As part of the approval process, a targeted government consultation may be required depending on what areas of legislation are triggered by the project. This includes consultation with the relevant local council so it is highly recommended the local council for the area is made aware of the project.

Step 3 CONSULT WITH ABORIGINAL AFFAIRS AND RECONCILIATION (AAR)

Aboriginal heritage in South Australia is afforded protection under the *Aboriginal Heritage Act 1988 (AHA)*. Proponents should consult with AAR prior to submitting a Development Application to understand if the project intersects with an Aboriginal site, objects or remains (Aboriginal heritage). Delays in approvals can occur if works are likely to impact Aboriginal heritage. Requests for searches of AAR's central archives can be made through [AAR's Aboriginal Cultural Heritage Register and Information Management System](#).

Fact sheets in relation to the discovery and management of Aboriginal heritage, as well as information on applying for authorisation under the AHA, can be sourced from the [Guidance on Aboriginal Heritage webpage](#).

Step 4

CONSULT WITH THE ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

Prior to lodging a Development Application, proponents are encouraged to contact the EPA and discuss any potential environmental issues that are relevant to the proposal and the EPA's position on how those issues should be addressed.

The EPA has prepared a [Development Application referral checklist](#) to assist applicants and relevant authorities identify information that should be included with an EPA referral. Information listed in Table 1 of the Development Application referral checklist should be made available when commencing pre-lodgment discussions with the EPA.

Further information on pre-lodgment discussions and contact details can be found on the [EPA website](#).

Step 5

NOTIFY THE ENERGY TECHNICAL REGULATOR

If the project contains a generator greater than 5MW and will be feeding into the electrical grid, the Energy Technical Regulator will need to be notified and the proponent will need to apply for a [Technical Compliance Certificate](#).

More information can be found on the [SA.GOV.AU webpage](#), Local assessment of generation applications.



SUBMISSION OF A DEVELOPMENT APPLICATION

Step 6

SUBMISSION AND ASSESSMENT OF DEVELOPMENT APPROVAL.

If the project has the support of DEM and will provide essential infrastructure (such as the generation of power, gas, energy or management of water or sewerage) the project will be classified as a crown sponsored development, as per section 131 of the *Planning Development and Infrastructure Act 2016*.

The department will submit the proponent's Development Application to the SCAP on their behalf.



Step 7

GOVERNMENT CONSULTATION ON DEVELOPMENT APPROVAL

Upon receipt of a Development Application, the Attorney-Generals' Department (AGD) will consult with other government agencies and entities including the EPA, SA Water, SA Country Fire Service or SA Metropolitan Fire Service and Safe Work SA.

This process can take more than 30 days. If further information is requested from the proponent, the assessment is paused until the proponent provides the requested response.

Step 8

PUBLIC CONSULTATION ON DEVELOPMENT APPROVAL

Further, where the total cost of the project exceeds \$10M, a crown sponsored Development Application will be made available for public consultation for 15 to 20 days.

All papers relating to the proponent's application and the decision made by the SCAP (excluding legal opinion and commercially confidential information) are made publicly available.

Step 9

ASSESSMENT AND NOTIFICATION

The SCAP may grant Development Approval to the proponent conditional on the proponent obtaining licenses and permits outlined in the steps below. The decision of the SCAP is communicated via the minutes of the meeting, and published on the SCAP website.

Note. Under section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, a crown sponsored Development Application will be subject to a referral fee, payable by the proponent if the Development Application is submitted without a generation certificate.

Step 10

APPLICATION TO CLEAR NATIVE VEGETATION

For projects located at sites outside of metro or regional urban areas that contain native vegetation, approval to clear native vegetation will be required prior to commencing any ground works. An accredited consultant is required to undertake an assessment of the site and submit an Application to Clear Native Vegetation. Depending on the level of approval required, the application will need to be assessed by either a delegate from the Native Vegetation Council (NVC), or the Native Vegetation Assessment Panel (NVAP).

A minimum of two months is required to process clearance applications.

More information on the [Department for Environment and Water Clearance application forms webpage](#).

Step 11

OBTAINING A WELL CONSTRUCTION PERMIT

If groundwater is required, a Well Construction Permit will be required to drill the source borehole. Generally a permit to drill a well is only granted if the Minister for Environment and Water is satisfied that the proposed well can be installed in accordance with the [General Specifications for Well Drilling Operations Affecting Water in South Australia](#) and constructed in accordance with the current edition of the [Minimum Construction Requirements for Water Bores in Australia](#).

If water is to be sourced another way, there is no requirement for a proponent to undertake this step.

If a desalination plant is planned, then this will also require an EPA Licence under Schedule 1, Part A, 8 (6a) Desalination Plants (The conduct of a desalination plant that has a production capacity exceeding 200 kilolitres of desalinated water per day).

If this solution cannot be taken offsite for disposal and needs to be discharged into local groundwater, a Brine Discharge Permit will also be required under section 104(3)(c) of the *Landscape South Australia Act, 2019*.

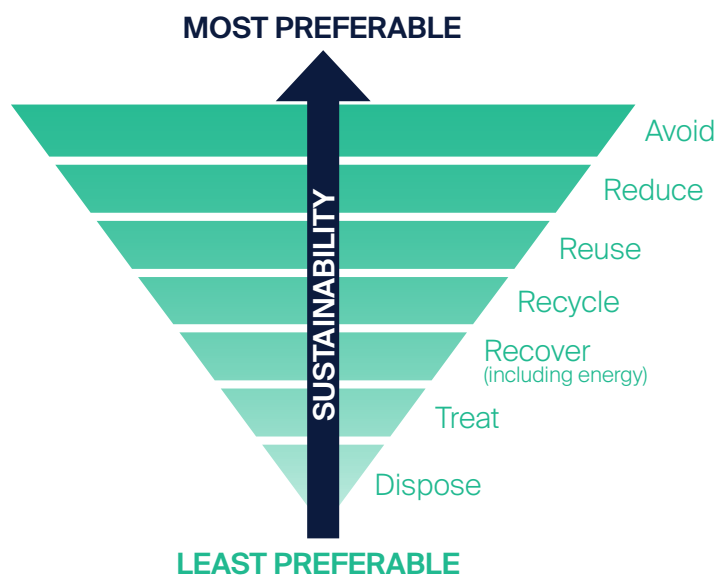
Further, the Department for Environment and Water (DEW) may require a risk assessment consistent with the National Water Quality Management Strategy – Australian Guidelines for Water Recycling: Managing Health & Environmental Risks, Phase 2, as well as a risk management and monitoring plan, based on the findings of the risk assessment.

Timeframes for licensing brine discharge for complex, large scale projects can be in excess of 1 year.

Step 12

WASTE WATER MANAGEMENT

If the project involves water distillation prior to electrolysis, a by-product will be hypersalinated brine solution. The EPA recommends the use of its waste management hierarchy (Figure 1.) to determine which options are feasible (or not) for the disposal of brine solution. Presuming all higher waste disposal options have been exhausted, contact the EPA about brine solution discharge into local groundwater or the coastal environment to determine if a licence is required.



The waste management hierarchy

3 STAGE THREE

AFTER DEVELOPMENT APPROVAL

Step 13

LICENSING AND APPROVALS FOR TRANSMISSION PIPELINES

If the project requires pipeline construction, a Licence and Statement of Environmental Objectives will need to be obtained from the Department for Energy and Mining Energy Resources Division (DEM-ERD) under the *Petroleum and Geothermal Energy Act 2000*.

A License and Statement of Environmental Objectives application for transmission pipelines can be assessed concurrently.

If a referral to the Minister for Environment and Water is required as the licence area falls within a Park or Protected area, additional time will be required to assess the application.

More information is available at [Licensing and approvals process for transmission pipeline projects in South Australia](#) webpage.

Step 14

OBTAINING AN EPA LICENSE TO MANUFACTURE, PRODUCE AND STORE HYDROGEN

Hydrogen manufacturing and production requires an EPA Licence if it exceeds 100 tonnes per annum under schedule 1 Part A, 1(2)(c) - Chemical works (hydrogen production) with production capacity > 100 tonnes per year.

Further, the onsite storage of chemicals also requires an EPA Licence under Schedule 1, (1) - Chemical storage and warehousing facilities with chemicals stored or kept in bulk or in containers having a capacity exceeding 200 litres at facilities with a total storage capacity exceeding 1000 cubic metres.

OBTAINING A MAJOR HAZARD FACILITY LICENSE – FOR LARGER FACILITIES

In the production and processing of hydrogen, if any onsite storage equals or exceeds the 10% of the threshold quantity permitted under Schedule 15 Chemicals, of the *Work Health and Safety Regulations 2012* a formal Major Hazard Facility (MHF) notification will need to be submitted to SafeWork SA. (The threshold quantity of Hydrogen is 50 tonnes and Ammonia 200 tonnes).

More information is available from [Safe Work SA's Major Hazard Facilities Notification webpage](#).

If storage exceeds the threshold quantity, the facility will automatically be determined as a MHF and proponents will be required to provide a Design Stage Safety case - consisting of a Safety Assessment and Emergency Plan - to SafeWork SA for evaluation.

After the Design Stage Safety case has been accepted, a temporary licence to operate will be issued until the final safety case is submitted/ accepted and a MHF Licence granted.

Step 15

OBTAINING A RELEVANT FIRE AUTHORITY REPORT

At the completion of construction the project and before commissioning, a Relevant Fire Authority Report must be obtained from either the SA Country Fire Service (SACFS) or SA Metropolitan Fire Service (SAMFS) depending on the project location before a Certificate of Occupancy is issued, certifying that the proponent's fire equipment meets operational requirements.

Forms for completion can be found on the [SAMFS website](#).

| Step | Agency | Actions | Timing | |
|---|--|---|--------------|--------------|
| | | | Best case | With delays |
| STAGE 1 – Before submission of a Development Application | | | | |
| 1 | DEM | Discuss project with DEM and apply for Crown Sponsorship if suitable. | 7 week | |
| 2 | Local Council | Notify relevant Local Council of project proposal. | | |
| 3 | AAR | AAR conducts Central Archive Search on proposed site location for Aboriginal heritage. | 1 weeks | |
| 4 | EPA | Consult with the EPA on environmental impact. ↓ If the site contains Aboriginal heritage and the site cannot be moved, an application for authorisation to proceed can be made. | Up to 6 mths | Up to 9 mths |
| 5 | DEM, ETR | Obtain Technical Compliance Certificate (for grid-connected projects with a generator greater than 5MW). | 2 week | 6 weeks |
| STAGE 2 – Submission of a Development Application | | | | |
| 6 | DEM/ SCAP | Sponsoring agency submits Development Approval application to the SCAP for consideration. | 12 weeks | 36 weeks |
| 7 | AGD, EPA, SAMFS/ SACFS, SWSA, relevant Local Council | AGD consults government agencies on Development Application. | 6 weeks | 24 weeks |
| 8 | AGD | Public consultation on projects over \$10M. | 12 weeks | 36 week |
| 9 | SCAP | SCAP assess Development Application. | | |
| 10 | DEW | Check and apply for Native Vegetation Clearance if required. | 10 weeks | 13 weeks |
| 11 | DEW | Check and apply for Well Construction Permit if required. | 8 weeks | 12 weeks |
| 12 | EPA/DEW | Contact the EPA about waste water management and apply for relevant licenses and permits. | 3 months | |
| STAGE 3 – After Development Approval | | | | |
| 13 | DEM-ERD | Apply for Pipeline License and Statement of Environmental Objectives. | 12weeks | 26 weeks |
| 14 | EPA | Obtain an EPA License for the production, processing, and onsite storage of chemicals if required. | 6 weeks | 12 weeks |
| 15 | CFS / SAMFS | Obtain Relevant Fire Authority Report | 3 weeks | 6 weeks |



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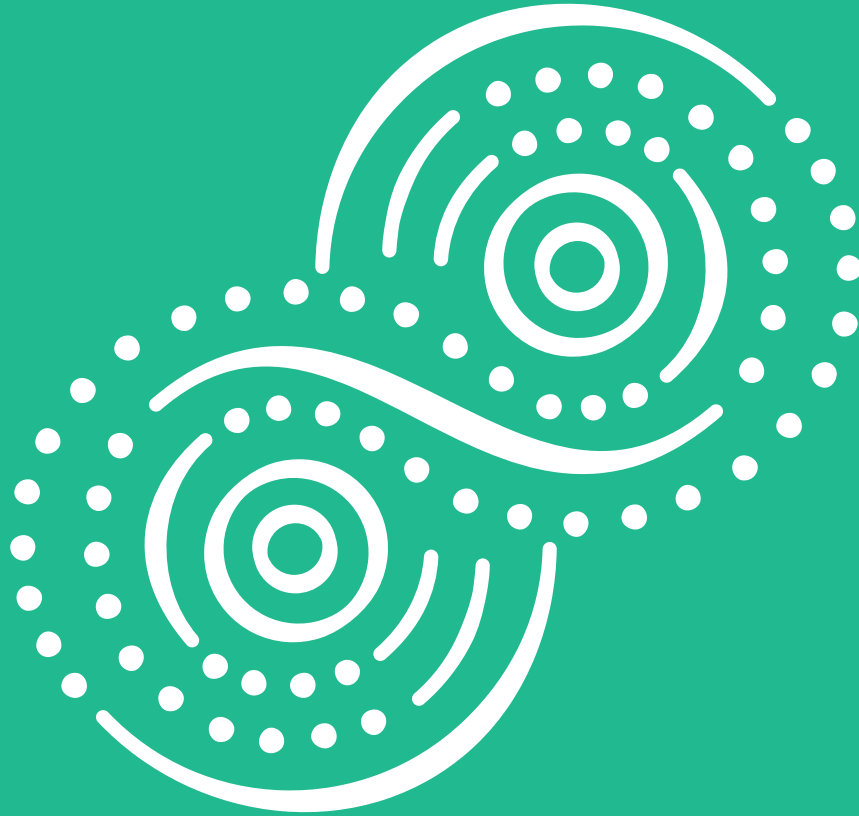
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Acknowledgement of Country

The Department for Energy and Mining acknowledges Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect the cultural connections as the traditional owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the state.

