

RELEASE AREAS

Consultation on draft Hydrogen and
Renewable Energy Regulations

Information sheet

Hydrogen and Renewable Energy Act 2023



Introduction

The [Hydrogen and Renewable Energy Act 2023](#) (HRE Act) and regulations will facilitate and regulate hydrogen and renewable energy development in South Australia and its coastal waters. The regulations are in addition to the Act's requirements so should be read in conjunction with the Act.

This information sheet outlines proposed regulations that support the release areas framework under the Act.

Providing feedback

You are invited to provide feedback on any of the proposed regulatory matters contained in these documents. You can make a submission on [YourSay](#), or by emailing HRE@sa.gov.au. Submissions close on 15 April 2024.

This information sheet outlines the proposed regulations and process for energy release areas under the HRE Act.

About release areas

A release area is an area of pastoral land, certain Crown land or state waters determined by the Minister responsible for the HRE Act (Minister) as land where large-scale wind and solar resources can be sustainably developed.

Identification of a release area will begin with high-level mapping, supported by extensive engagement with affected landowners before broader public consultation, as required by regulations. Following consultation, the Minister will, with the agreement of either the Minister for the *Pastoral Land Management and Conservation Act 1989* (on pastoral land) or the Minister for the *Harbours and Navigation Act 1993* (in state waters), decide to declare and gazette the release area.

Once gazetted, release areas will be allocated through a competitive tender process. Successful renewable energy developers will gain exclusive access to develop large-scale projects within the release area.

Identifying release areas

Preliminary study areas

Multi-criteria analysis and high-level mapping will identify areas of the state where high-quality wind and solar resources coincide, along with existing critical infrastructure such as transmission lines, water, gas pipelines and roads. This work will also identify current land

uses (such as primary industries, resources, tourism and conservation), industry interest, and existing constraints (including native vegetation, Aboriginal heritage and protected areas). It will involve discussions with individual landowners, including pastoralists, Native Title holders, and fishing and aquaculture licensees when in state waters.

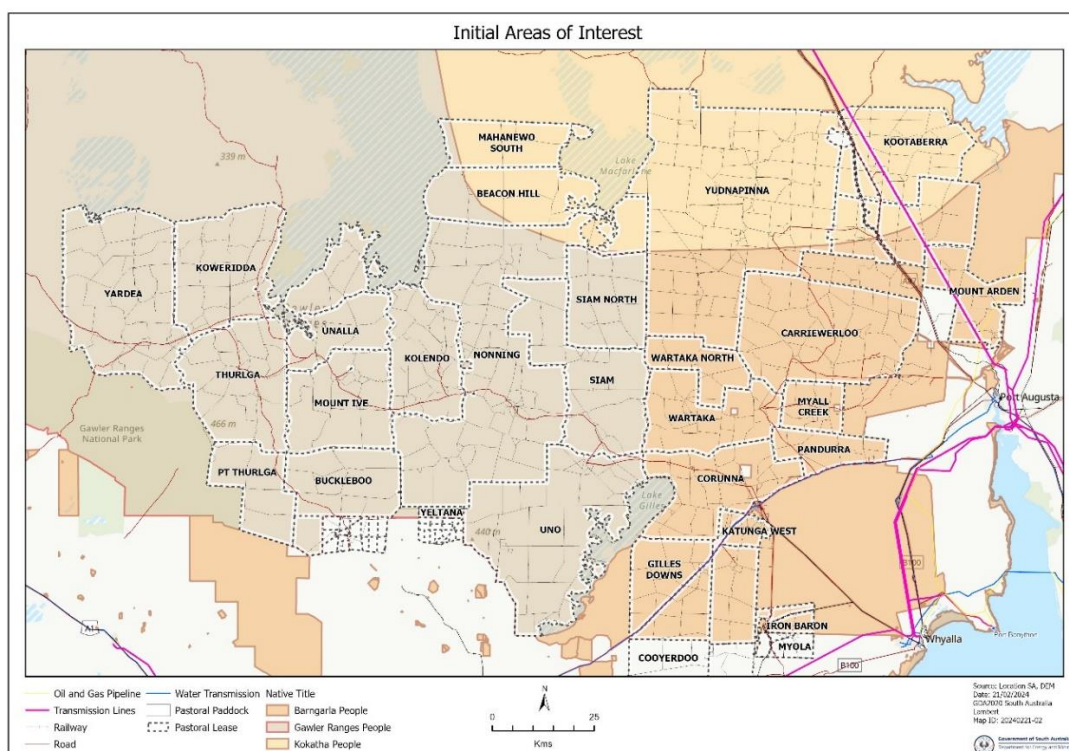
This analysis will identify preliminary areas, known as study areas, that could be appropriate for large-scale renewable energy development following further refinement and investigation.

Discussions and consultation on study areas with landowners will identify a proposed release area.

Initial scope

Currently the area of highest stakeholder interest and viability includes the Gawler Ranges, Upper Eyre Peninsula and Upper Spencer Gulf. Key factors include:

- the South Australian Government's [Hydrogen Jobs Plan](#), which will see the construction of a world-leading hydrogen power station, electrolyser and storage facility near Whyalla by the end of 2025
- the government's investment in South Australia's first large-scale export terminal for green and blue hydrogen at [Port Bonython](#), including development of the land around Port Bonython to create a multi-user export precinct
- existing knowledge of strong coexistent wind and solar resources in these regions
- strong interest shown by the renewable energy sector in this region, and acknowledgement of engagement and negotiations that have already occurred with landholders.



Prescribed consultation

Once a proposed release area has been identified, the Minister is required to give notice of the proposed release area and consult with relevant stakeholders, as prescribed by section 10 of the HRE Act and the regulations.

This consultation will determine if an area is appropriate for large-scale renewable energy development, and the terms and conditions that should be applied to ensure development occurs sustainably with least impact.

The consultation will also enable the Minister to further define the boundaries, size, exclusions and location of a proposed release area, and determine the site-specific selection criteria that should be applied to the competitive tendering process.

Regulations 9 and 10 propose to enable the Minister to begin consultation on proposed release areas before the HRE Act has commenced, and for that consultation to be considered part of the requirements of section 10(6)(b) of the Act. This will allow initial consultation to happen while the regulations are being finalised, and supplemented with further consultation upon commencement of the Act.

Regulation 9 proposes to require the Minister to issue a notice describing a proposed release area and invite submissions on the proposed area. This process will commence public consultation on the area for the period prescribed in regulation 9. Generally, it is proposed that the period will be 30 business days (six weeks). If a notice is given within one month of the regulations commencing, the period to accept submissions is proposed to be 10 business days (two weeks). This shorter period recognises that there will already have been a period of consultation before the Act commenced and still allows for a total of six weeks consultation.

Regulation 10 proposes that, alongside public consultation, the Minister must consult directly with the prescribed relevant persons. Regulation 10 establishes the proposed length of time that consultation must occur, in the same manner as Regulation 9.

Public and targeted consultation will provide the Minister with information on:

- whether an area is appropriate for large-scale renewable energy development
- the boundaries, size, exclusions and location of a proposed release area
- the terms and conditions required to ensure sustainable development occurs with minimum impact
- site-specific selection criteria that should be applied to the competitive tendering process.

Public consultation on the first proposed release area(s) is expected to commence shortly, with further information to be provided shortly.

Declaration of release area

Following prescribed consultation, the Minister for the HRE Act may declare a release area and invite competitive tendering for Renewable Energy Feasibility Licences (REFLs). A declaration of a release area needs to be made with the concurrence of either the Minister for the *Pastoral Land Management and Conservation Act 1989* (for pastoral land) or the Minister for the *Harbors and Navigation Act 1993* (for state waters).

Proposed regulations

The following regulations for release areas are proposed:

Notice of declaration of release area

Regulation 9 proposes that notice of a proposed declaration of a release area must be published on both a website and in a newspaper circulated in the proposed release area. The notice must:

- describe the area of land in the proposed release area
- invite submissions on the proposed release area
- specify the period in which submissions can be received on the proposed release area (as outlined above).

Consultation

In addition to the public notice above, regulation 10 proposes that the Minister must give a copy of the proposed release area notice to the 'relevant persons' set out below and consult with those same persons by inviting them to make submissions on the proposed release area within the specified period (as outlined above):

- All landowners in the proposed release area
- A recognised Aboriginal Representative Bodies under the [Aboriginal Heritage Act 1988](#) in respect of the land within the proposed release area
- Councils within the proposed release area (or if any part of the proposed release area falls outside a council area, the Outback Communities Authority).

Register

Regulation 11 proposes that the following information must be entered on the HRE register in respect of each release area declared by the Minister:

- A description of the boundaries
- A description of the location
- The size, expressed in square kilometres.

Call for tenders—criteria for assessing applications

Where the Minister invites applications for REFLs within a specified release area by notice in the Gazette, regulation 12 prescribes the following criteria against which applications will be assessed. The criteria may be specified in the notice and include:

- a plan for negotiating agreements with Native Title holders and other landowners and, if possible, evidence of the applicant's ability to successfully undertake such negotiations
- a proposed work program including:
 - the manner in which the applicant intends to understand the renewable energy resource potential of the relevant release area within a specified time
 - how the proposed work program will support the applicant's commercial and business models
 - expected timelines for delivering a commercial project
- the project's expected net economic and social benefit to the state as a result of the proposed exploitation of the renewable energy resource, including:
 - the initiatives proposed to support the short and long term security and stability of the state's energy system
 - the extent to which the project will create and maintain jobs and provide skills and training opportunities, including jobs for young people, apprentices, Aboriginal and Torres Strait Islander people, and people with a disability
- evidence of the applicant's experience, ability, technical, operational and financial credentials to deliver such a project
- any rental offer made by the applicant under regulation 22
- any other criteria the Minister considers relevant to a particular release area.

Minister may invite further applications after tender process

Regulation 13 proposes that the Minister may place a notice in the Gazette to invite further REFL applications in respect of a release area if a successful applicant:

- decides not to apply for a REFL
- is not eligible for the REFL
- has their REFL cancelled by the Minister, or
- surrenders their REFL

or in any other circumstances the Minister thinks fit.

This notice must comply with the requirements of section 11(2) of the Act, which sets out the requirements for a notice inviting applications for a REFL. The Minister must deal with any further application received in accordance with the requirements of section 11 of the Act.