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# Hydrogen and Renewable Energy Bill Pastoralist Workshop

June 2023

Summary report



**Department for Energy and Mining**

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**Acknowledgement of Country**

As guests here on Kaurna land, we acknowledge everything this department does impacts on Aboriginal country, the sea, the sky, its people and their spiritual and cultural connection 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.



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## Hydrogen and Renewable Energy Pastoralist Workshop

**Workshop facilitated by Department for Energy and Mining on Wednesday 14 June 2023, 10:30am – 3:30pm, Central Oval, 10 Augusta Terrace, Port Augusta.**

On 11 May 2023, the South Australian Government launched public consultation on the draft *Hydrogen and Renewable Energy Bill* (HRE Bill). The draft HRE Bill was developed in response to feedback received from the three-month public consultation on the Hydrogen and Renewable Energy Act Issues Paper, from November 2022 to February 2023.

The HRE Bill seeks to streamline project and land use approvals and increase the state's renewable energy production to safely meet energy and storage needs and reduce carbon emissions.

It includes a clear competitive tender process for designated land such as pastoral land and State waters, meaningful consultation for communities, prevents land-banking and holds industry to strong environmental standards and land rehabilitation requirements.

During consultation on the Issues Paper, the government received feedback that pastoralists would value a dedicated forum to engage with government on the draft HRE Bill. In response to feedback, the government hosted the Hydrogen and Renewable Energy Bill pastoralist workshop in Port Augusta on 14 June 2023.

The workshop brought together over 30 representatives from the pastoral community, including pastoralists as well as representatives from Livestock SA, the Arid Lands Landscape Board, the Pastoral Board, Rural Business Support, and government. Attendees participated in a number of presentations, Q&A sessions, and dedicated activities designed to elicit feedback and responses on key elements of the HRE Bill. The workshop also featured a presentation from the Department for Environment and Water (DEW) on changes to the *Pastoral Land Management and Conservation Act 1989* (the Pastoral Act) to accommodate conservation and carbon farming activities.

The HRE Bill will introduce new requirements for renewable energy development on pastoral land, including expanded rights and prescribed roles for pastoralists when working with renewable energy developers.

Pastoralists will play a key role in developing the landmark piece of legislation within the state, and government are committed to working collaboratively to ensure effective co-existence between renewable energy development and pastoralism.

The workshop provided the government with clear advice on the regulatory and policy elements of the HRE Bill that will support improved communication, capacity, and consultation between pastoralists, government, and renewable energy developers.

This report sets out a summary of the discussions and feedback from the workshop, including the accompanying presentations, workshop agenda, and links to further information.

The feedback and discussions from the workshop will be used to inform the development of the HRE Bill, and the government is keen to hear from as many pastoralists as possible during consultation. Survey responses can be submitted to the government's YourSAY page at [www.yoursay.sa.gov.au](http://www.yoursay.sa.gov.au) or feedback provided via email to [HRE@sa.gov.au](mailto:HRE@sa.gov.au).

Consultation closes 12 noon ACST on Monday 26 June 2023.

## Session 1 - Amendments to the Pastoral Act (Carbon Farming and Conservation)

Mr Saravan Peacock, Acting Manager of the Pastoral Unit, DEW, provided a presentation on amendments to the Pastoral Act to allow carbon farming and conservation activities to occur on a pastoral lease.

The government intends to amend the Pastoral Act to confirm the Board's ability to approve a range of uses of pastoral leases. This confirms the situation that has been in place 'on the ground' for over 30 years, enabling ongoing efforts by lessees, Aboriginal people and regional communities to manage pastoral lands in a variety of ways.

Specifically, the Bill will:

- amend the Objects of the Pastoral Act to confirm that pastoral leases can be used for conservation and carbon farming (as defined in the Act)
- preserves the role of the Pastoral Board in relation to the approval of non-pastoral uses of pastoral land (for some or all of a pastoral lease)
- formally recognises previous board decisions approving the use of some, or all, of a pastoral lease for non-pastoral uses
- clarifies that land assessments will take into account, for all leases, the purposes for which the land is being used
- clarifies the required qualifications of potential Board members nominated by the Conservation Council of SA.

These amendments are not related to the HRE Bill, however are equally important for consideration by pastoralists. More information on the amendments is [available online](#) and for more information you can contact [DEW.Pastoral@sa.gov.au](mailto:DEW.Pastoral@sa.gov.au) or call (08) 8429 0333.

## Session 2 - Introduction to renewable energy on pastoral land

### Presentation on the HRE Bill and the current frameworks surrounding renewable energy development on pastoral land

- The framework under the Pastoral Act requires the Minister to determine which companies gain access to pastoral land, the compensation payable to lessees, and the conditions of licences.
- The Pastoral Act currently does not provide appropriate tools to the Minister to make an informed decision under the Pastoral Act, particularly in the environment where multiple proponents are competing for exclusive access to land.

- The government has designed a new, fit for purpose framework that establishes a competitive licensing framework for land tenure to responsibly facilitate access and development, and ensure benefits are delivered for all South Australians and the environment.
- The new framework will enhance and protect the rights of pastoralists by:
  - prescribing access agreements that work for all parties
  - allowing pastoralists to negotiate appropriate compensation and terms
  - providing fit for purpose dispute resolution mechanisms
  - Providing clear decommissioning and rehabilitation requirements for projects

### Discussion with participants

Consistent themes arose from the discussion:

- Rights of pastoralists under existing frameworks compared to the new framework.
- The status of existing negotiations and agreements with renewable energy developers.
- Consultation with pastoralists throughout the process
- Decommissioning and rehabilitation requirements
- Industry and investor views on the proposal
- Consultation timeframes and concerns.

The department confirmed the HRE Bill intends to strengthen the existing roles and rights of pastoralists by providing prescribed consultation periods throughout the process, as well as providing access agreement and compensation provisions that will reflect the impact of individual projects.

It is expected that proponents currently seeking access to pastoral land will be required to participate through the frameworks established in the HRE Bill, to ensure the state only hosts the projects that offer the greatest benefit to the state.

The government also acknowledges pastoralists have requested more direct and face to face engagement, and the workshop was in-part designed to address those concerns. The HRE Bill contains multiple stages of prescribed consultation throughout the proposed processes, and engaging pastoralists effectively will be key to the success of the proposal. Design of the Bill is the first of a number of stages of engagement.

## Session 3 – Hydrogen and Renewable Energy Act

### Summary of the proposed *Hydrogen and Renewable Energy Act* and the provisions within the draft HRE Bill.

The unprecedented scale of transformation and demand for access to pastoral land and State waters requires a fit-for-purpose approach to enable the state to deliver outcomes to balance the interests of multiple stakeholders and owners of land, and build long-term prosperity for the benefit of all South Australians and the environment.

The HRE Bill seeks to enable an efficient, flexible, transparent, and consultative licencing and regulatory framework for hydrogen generation and renewable energy infrastructure in South Australia. The “one window to government” legislative framework intends to:

- licence and regulate the entire lifecycle of renewable energy projects and the generation of hydrogen, recognising that Aboriginal participation in decision-making is central to South Australia’s clean energy future,
- maintain the government’s commitment to multiple land use, continuing to recognise all other overlapping legal rights over the same land (for example, pastoral leases, mining tenements and licences).
- maximise the benefits for all South Australians and the environment, whilst ensuring that any environmental, economic, public safety and social and cultural impacts associated with such developments are effectively addressed in line with Environment, Social and Governance requirements.
- expedite the development of the state’s hydrogen sector and support delivery of the Hydrogen Jobs Plan.
- deliver investment certainty and security and unlock the pipeline of renewable energy projects.

Noting subsequent presentations would contain greater detail on elements of the HRE Bill, questions were postponed to later sessions during the workshop.

## Session 4 – Release area process

### Release Area process described in the HRE Bill

On pastoral land, State waters and any prescribed Crown land, a competitive licensing framework providing land tenure for renewable energy seeks to responsibly facilitate access and development, and ensure benefits are delivered for all South Australians and the environment.

For the purpose of competitive tender licensing provisions, release areas will be determined by the Minister for Energy and Mining in consultation with the Ministers administering the Pastoral Act.

The identification of these areas will be undertaken through a multi-criteria analysis process, including formal consultation requirements with pastoralists, co-regulators, native title parties and other landowners (including licence and lease holders) and impacted communities.

Consultation will identify potential social, environmental and economic impacts, including benefits and risks, and provide an opportunity for stakeholders to share thoughts on what renewable energy development can mean for them.

Following the declaration of a release area, the land will be open to a competitive tender process that will seek proponents with high calibre technical, financial and operational capabilities and which will provide successful proponent/s with exclusive access to undertake feasibility studies and exploration activities.



**Participants were given the opportunity to respond to a set of questions relating to the release area process:**

1. What information should be considered in the release area mapping process?
2. What selection criteria should be applied to competitive tendering?
3. How and when should pastoralists be engaged in determining release areas?

**Responses to questions (as provided by table participants):**

1. What information should be considered in the Release Area mapping process?
  - Impact to existing infrastructure:
    - roads
    - housing
    - water availability
    - water table & drainage
    - stocking areas/movement/routes
    - grid connection
    - transport/export
    - storage
  - Local jobs
  - Proximity and access to existing infrastructure/access routes
  - Size and boundaries – will it be determined by NT areas, pastoral leases, other criteria? Should a minimum size (eg whole of lease) apply?
  - Area/scale suitable to make project viable
  - Conservation values in different areas
  - Cultural sites
  - Surface water resource/natural flows – how will this affect existing and successive land use?
  - Other resources (wind/sun – CSIRO data) forestry/vegetation, flora/fauna, unusual & threatened species, biosecurity risks
  - Soil/geology
  - Tenure of lease and current land use
  - Complementary land uses
  - landowner preferences/desires/advice
  - Timing of release
2. What selection criteria should be applied to competitive tendering?
  - Likelihood of success/ability to perform/track record
    - Considers risks – eg ability to secure product in constrained supply market
  - Transparency
  - Public tender applications
  - Financial reputation and history, and other local projects
  - Australian-owned vs foreign company – foreign investment board clearance
  - Ability to negotiate/relationship with pastoralist and Native Title holders, including:
    - existing agreements and tensions
    - local community, other impacted people
  - Structure of compensation – by land size or by turbine/tower/array?
  - Payment structure



- Can there be a multi-proponent negotiation?
  - Will landowner preferences/desires/advice be considered in the decision?
  - Employment opportunities & other economic benefits
  - Future use after decommissioning – what land use will be viable/possible?
  - Plan to address impacts eg noise, line of sight, water etc
  - Existing principles for wind farm development
  - Net environmental impact during project and following decommissioning
  - Proponents' ability to perform
3. How and when should pastoralists be engaged in determining release areas?
- From the beginning/immediately
  - In person is preferred
  - Availability of assistance is key in engaging – both from government and proponents – must be people available to answer a phone call as needed to answer questions and resolve issues. Should be established before release areas defined

Other considerations raised during the discussion:

- What happens to value of land/leasehold after project is implemented - will this affect lease cost?
- Important for the state to speed this process up or we will 'miss the boat'
- Start looking into companies? Who are the big players
- Interaction with mining companies
- Need to recognise that this land is not just government land - it is managed by people and is a commercial business
- Current companies are engaging well - in recent experience

## Session 5 – Licensing and Impact Assessment Process

### Licensing and impact assessment process

The HRE Bill proposes a new dedicated impact assessment framework for hydrogen and renewable energy projects across South Australia. By implementing a dedicated approach to hydrogen and renewable energy development, proponents can operate with certainty and transparency, utilising a fit-for-purpose framework that prioritises an efficient pathway for development.

The new framework will see the regulation of the sector move to an industry based regulatory model, as distinct from a functional based regulatory model, similar to what the state has for the mining, petroleum and geothermal sectors.

The framework will feature multiple prescribed stages of consultation with pastoralists, including before areas of land are released, before licences are granted, during the development and assessment of the project's impact assessment, and in the ongoing construction and operation of the project.

**Participants were given the opportunity to respond to a set of questions relating to the impact assessment process:**

1. How should access agreements be structured?
2. How and when should you be engaged in EIR and SEO process?
3. What support do you need to engage with developers?

**Responses to questions (as provided by table participants):**

1. How should access agreements be structured?
  - Relationship agreement with regular point of contact
  - Agreed processes – notice of scheduling / activity / impact to operations
  - Shared project management
  - Government liaison, plus independent liaison/case manager
  - Where is accessible (maps)/what's included/excluded
  - Compensation
    - Compensation for build/construction period (full project lifecycle, not just once built) – opportunity costs
    - Time consumed of landowners (for example escorting 'visitors')
    - Adhoc compensation
    - Injury to livestock
    - Damages to fencing etc
  - Easements/divisions/roads/dust suppression etc
  - Camera/monitoring, gates
  - Local workforce – value added skills
  - Agreed engagement plan
  - Proactive communications – e.g., "cluster meeting"
  - Capital gains tax considerations – waiver after renewable acquisition
  - All operations on property and timing
  - Biosecurity
  - Opportunity to re-negotiate over time (over the course of the 30 years)
  - Notice provisions (3 weeks)
  - Photograph and ID for 'visitors'/ workers
  - Payment terms (quarterly/monthly/annually)
  - Exclusivity
  - Legal document
  - To tie in with lease term
  - Provision of new leases / RE operator
  - Contact details
  - Emergency contact/ access
  - Bill refers to compensation compared to 'financial agreement' for use of the pastoral land
  - Frequency of 'compensation' payment- one off payment pr annual payment?
  - Track/ infrastructure maintenance
  - Lessees seek legal advice on access agreements and who pays for legal advice
  - Communication requirements
  - Information required to be provided to lessees
2. How and when should you be engaged in EIR and SEO process?
  - Engaged from start to end

- Continue to consult with lessees
  - Engage early with leaseholders who are experts of our property;
    - Water
    - Conservations
    - Management
    - Road network
    - Soil
    - Water points
    - Cultural sites
    - Boundaries/easements
    - Carbon
  - Paid service to induct/orientate on the property
  - Interaction with other tenements & existing EIS
  - Weed control & biosecurity buffers on roadways/corridors
  - At the start and throughout
  - See report before submitted to Minister/ Regulator
    - (Lessee is still responsible for condition of lease)
  - Signed off by Pastoralist – to reinforce they have been consulted
  - Consider busy times of year
    - By appointment
    - consideration of pastoral cycles into planning
3. What support do you need to engage with developers?
- Objective advice of knowledgeable people
    - Knowledge of industry / market arrangements
    - For example to negotiate on price per turbine or price per Kw
    - Funded by government but at arms length?
    - Workshop on negotiation
    - Costs of legal advice/ negotiation assistance should be covered/ compensated (“reasonable costs”
    - Need to know upfront who is responsible for legal costs to avoid further costly disputes over payment
  - Case studies, check lists, decision making guides
    - with someone available to answer questions about them
  - Option to negotiate collectively
  - Legal advice (who pays) ie check agreements
  - Subsidies rent to cover potential rent increase and increase land valuations
  - Who do we contract for further information? DEM? Other?
  - Independent opinion/ consultant?
  - Support to negotiate
    - Templates using leading practice – Available to everyone
    - Government role could be to supply industry standard information
    - Remuneration not just compensation – Act should up hold
    - Commercial rates of remuneration
    - Provide certainty of commercial rates
  - Impacts on pastoral activities during construction is monumental
    - Destocking, fence, roads and infrastructure destruction – will require a lot of work to restore

**Other questions raised by participants**

1. Should landowners be able to negotiate with more than one proponent? What should this look like?
  - Yes
  - Consider transmission infrastructure as well and compensated
  - Tender process could require proponent to demonstrate that they have had early discussions/ in-principle agreement with landowner
  - Suggest a short list of proponents identified through tender for landowners to negotiate with
  
2. What should be able to be negotiated in agreements between landowners and proponents? Examples?
  - Commercial negotiation & remuneration for placement of Renewable Energy on landholders land without government intervention
  - Profit sharing and other benefits/ payments
  - Access
  - Compensations for impacts
  - Very good to have specific provisions for compensation to leasee
  - Road and rate repairs / maintenance in creating new routes
  - Timing of operations, payments (up front/ ongoing, frequency)
  - Decommissioning
  - Yes- existing agreements should be more considered/ weighted in the tender process
  - Provision of info about standard commercial rates to pastoralists by the government
  
3. Should existing contractual agreements be allowed to remain in place without government intervention?
  - Yes, there should be a clause to protect existing agreements.
  - Government should consider viability of proposed arrangements
  - Could another provider take over an existing agreement?
    - By agreement of both parties
  - Yes - existing agreements should be more considered/weighted in the tender process
  - Yes - more details required about negotiating in good faith

**Other considerations raised during the discussion:**

- Act needs to deal with managing condition of land throughout project
- Opportunity for income and long-term viability is enormous – strong support for renewable energy. Need to protect pastoralists' rights
- Want comparative rights to freehold land (sale of freehold = sale of leases)
- Transition arranged e.g., if actions completed by a certain date

## Next steps

Participation at the Hydrogen and Renewable Energy Bill Pastoralist workshop was a key opportunity to hear directly from those developing the draft HRE Bill and ensure perspectives and input from pastoralists is considered in the development of the legislation. The government thanks all those that were able to attend the workshop, and the meaningful and detailed feedback they provided on the day.

Consultation on the draft HRE Bill closes on 26 June, however this will not be the final opportunity to engage on the framework. Should legislation pass through parliament, the government will work to draft Regulations which will contain a large amount of detail on how the processes described in the HRE Bill will operate. Detail captured from the workshop will inform the development of the Regulations, however pastoralists will be directly engaged again to assist in developing the Regulations.

Further, the HRE Bill contains prescribed consultation requirements and role for pastoralists throughout the development process, from the identification of Release Areas, through to granting of licences, and finally on the construction, operation, and decommissioning of infrastructure.

Feedback from all stakeholders will be considered and incorporated into the Bill where appropriate before progressing to Parliament. Contributions and submissions on the draft HRE Bill can be made online at <https://yoursay.sa.gov.au/hrebill> or via email to [HRE@sa.gov.au](mailto:HRE@sa.gov.au) until 12pm, Monday 26 June 2023.

Pastoralists will be involved every step of the way throughout development of the legislation and supporting documents, and on the process itself once operational.

The government looks forward to building on the relationships established at the workshop to continue developing a landmark piece of legislation for the future of South Australia.

## Further information

**Department for Energy and Mining**  
Level 4, 11 Waymouth Street, Adelaide  
GPO Box 320, Adelaide SA 5001

E [HRE@sa.gov.au](mailto:HRE@sa.gov.au)

[www.energymining.sa.gov.au](http://www.energymining.sa.gov.au)





# HRE Bill - Pastoralist Workshop – Proposed Agenda

Wednesday 14 June 2023, 10:30am – 3:30pm

Central Oval, 10 Augusta Terrace, Port Augusta

## Invitees

- All pastoralists
- Pastoral Board
- Livestock SA
- Grain Producers SA
- Primary Producers SA
- Arid Lands Landscape Board
- Outback Communities Authority
- Department for Energy and Mining
- Department for Environment and Water

Discussion Items			
No.	Item	Action (who)	Time
1.	<b>Welcome</b> <ul style="list-style-type: none"><li>• Acknowledgement of Country</li><li>• Housekeeping</li><li>• Livestock SA remarks</li><li>• Purpose and Agenda</li></ul>	<b>Nick Smith (DEM) + Travis Tobin (Livestock SA) (10mins)</b>	<b>10:30-10:40am</b>
2.	<b>DEW presentation – Amendments to Pastoral Act</b> <ul style="list-style-type: none"><li>• Carbon farming</li><li>• Conservation purposes</li></ul>	<b>Saravan Peacock (DEW) (10 mins 10 mins Q&amp;A)</b>	<b>10:40-11:00am</b>
3.	<b>Presentation 1 – Introduction to renewable energy on pastoral land</b> <ul style="list-style-type: none"><li>• Current processes under <i>Pastoral Land Management and Conservation Act 1989</i></li><li>• Reasoning behind need for action</li></ul>	<b>Cameron May (DEM) (15 mins)</b>	<b>11:00-11:15am</b>
4.	<b>Q&amp;A on Presentation 1</b>	<b>All (15 mins)</b>	<b>11:15-11:30am</b>





5.	<b>Presentation 2 – Hydrogen and Renewable Energy Act</b> <ul style="list-style-type: none"><li>Local context/state of industry/future look</li><li>Issues Paper process</li><li>Principles and processes under the proposed Act</li></ul>	<b>Alisha Green (DEM) (25 mins)</b>	<b>11:30-11:55am</b>
6.	<b>Q&amp;A on Presentation 2</b> <ul style="list-style-type: none"><li>General questions (detail to be discussed in subsequent presentations)</li></ul>	<b>All (15 mins)</b>	<b>11:55-12:15pm</b>
7.	<b>Lunch</b>	<b>45 mins</b>	<b>12:15-1:00pm</b>
8.	<b>Presentation 3 – Release Area process</b> <ul style="list-style-type: none"><li>Role of Pastoralists</li><li>Role of Pastoral Act Minister</li><li>Competitive tendering</li><li>Consultation</li><li>Decision making</li></ul>	<b>Cameron May (DEM) (15 mins + 20 mins Q&amp;A)</b>	<b>1:00-1:35pm</b>
9.	<b>General discussion/Table Workshop on Presentation 3</b> <ul style="list-style-type: none"><li>What information should be considered in Release Area mapping?</li><li>What selection criteria should be applied to competitive tendering?</li></ul>	<b>All (30 mins)</b>	<b>1:35-2:05pm</b>
10.	<b>Presentation 4 – Licensing and Impact Assessment Process</b> <ul style="list-style-type: none"><li>Pastoralist's role</li><li>Role of Pastoral Act Minister</li><li>Access Agreements and compensation</li><li>Pastoral Land Management Fund</li></ul>	<b>Alisha Green (DEM) (20 mins + 20 mins Q&amp;A)</b>	<b>2:05-2:45pm</b>



<b>11.</b>	<b>General discussion/Table Workshop on Presentation 4</b> <ul style="list-style-type: none"><li>• How should access agreements be structured?</li><li>• When/how should pastoralists be engaged in EIR/SEO process?</li></ul>	<b>All (30 mins)</b>	<b>2:45-3:15pm</b>
<b>12.</b>	<b>Session close</b> <ul style="list-style-type: none"><li>• Summarise the key themes from the day</li><li>• Detail consultation process</li><li>• Next steps</li><li>• Final comments</li></ul>	<b>Nick Smith (DEM) (15 mins)</b>	<b>3:15-3:30pm</b>

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# Hydrogen and Renewable Energy Bill – Pastoralist Workshop

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Government  
of South Australia

Department for  
Energy and Mining



# Pastoral Land Management and Conservation Act 1989

## Proposed Amendments

Information Briefing



Government of South Australia  
Department for Environment  
and Water

# Sustainable Rangelands election commitment

*Labor will confirm that carbon offsets can be used on pastoral properties and that conservation and primary production are legally supported. These would be the only changes, if needed, to the Pastoral Land Management and Conservation Act.*

# Proposed amendment Bill

- Amends the Objects of the Act to confirm that pastoral leases can be used for conservation and carbon farming
- Maintains the role of the Pastoral Board in approving non-pastoral uses of pastoral land
- Recognises previous board decisions approving non-pastoral uses
- Land condition assessments will take into account, for all leases, the purposes for which the land is being used

# Proposed changes

- Existing Objects remain
- New Objects
  - To allow pastoral land to be used for conservation
  - To allow pastoral land that is being used for pastoral or conservation purposes to also be used for other appropriate purposes (such as carbon farming)



# Proposed changes

- Definitions

- Carbon farming: land management activities that avoid or reduce carbon in the atmosphere or sequester carbon in the landscape, as defined in the regulations
- Conservation purposes: conservation of biodiversity, ecosystems or native vegetation, including SEB offsets and Heritage Agreements under the Native Vegetation Act, or other ancillary conservation uses
- Pastoral lease: a lease granted under this Act over Crown land for pastoral purposes or other purposes (such as carbon farming or conservation purposes) with the approval of the Board under this Act

# Proposed changes

- Operational functions:
  - Clarify that use of the land will be taken into account, eg land condition assessments
- Board membership
  - Clarify skill requirements of Conservation Council nominees:  
“conservation of the rangelands environment”
- Previous board approvals of non-pastoral uses remain in force

# Other requirements remain the same

- Board oversees management of all pastoral lands
- Board responsible for approving use of land for non-pastoral purposes, and any changes to relevant conditions
- All lease holders have the same rights and obligations
  - still need to actively manage their leases, and meet conditions and obligations under the Act, unless varied by the Board e.g.
    - maintaining boundary fencing and watering points
    - meeting obligations under other legislation (e.g. pest plant and animal control)
    - rent

# Implementation

- Once the Bill is enacted:
  - Board will update its guidelines on use of pastoral land for non-pastoral purposes
  - Any new applications to change purpose will need to be submitted to the Board
  - Minister may update Regulations to clarify carbon farming definition from time to time
    - E.g. recognising HIR methodology under the national carbon farming system
    - DEW will consult key stakeholders on any proposed Regulation
    - Pastoral Board, Conservation Council SA, Livestock SA, Primary Producers SA, First Nations of SA

# Further information

- Fact sheet and Bill available at:

<https://www.environment.sa.gov.au/topics/landscape-sa/pastoral-leases-in-south-australia>

- DEW.Pastoral@sa.gov.au
- Phone (08) 8429 0333



Government  
of South Australia

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Department for  
Environment and Water

# Renewable Energy on Pastoral Land

HRE Bill - Pastoralist Workshop

14 June 2023

Cameron May

Principal Policy Officer

[energymining.sa.gov.au](http://energymining.sa.gov.au)





# South Australia: a world leader in renewable energy

0 – 69% renewable energy in 15+ years

On track to reach Net 100% renewables by 2030

Targeting Net Zero carbon emissions by 2050

A vision for 500% renewables by 2050 in SA's 2020 Climate Change Action Plan

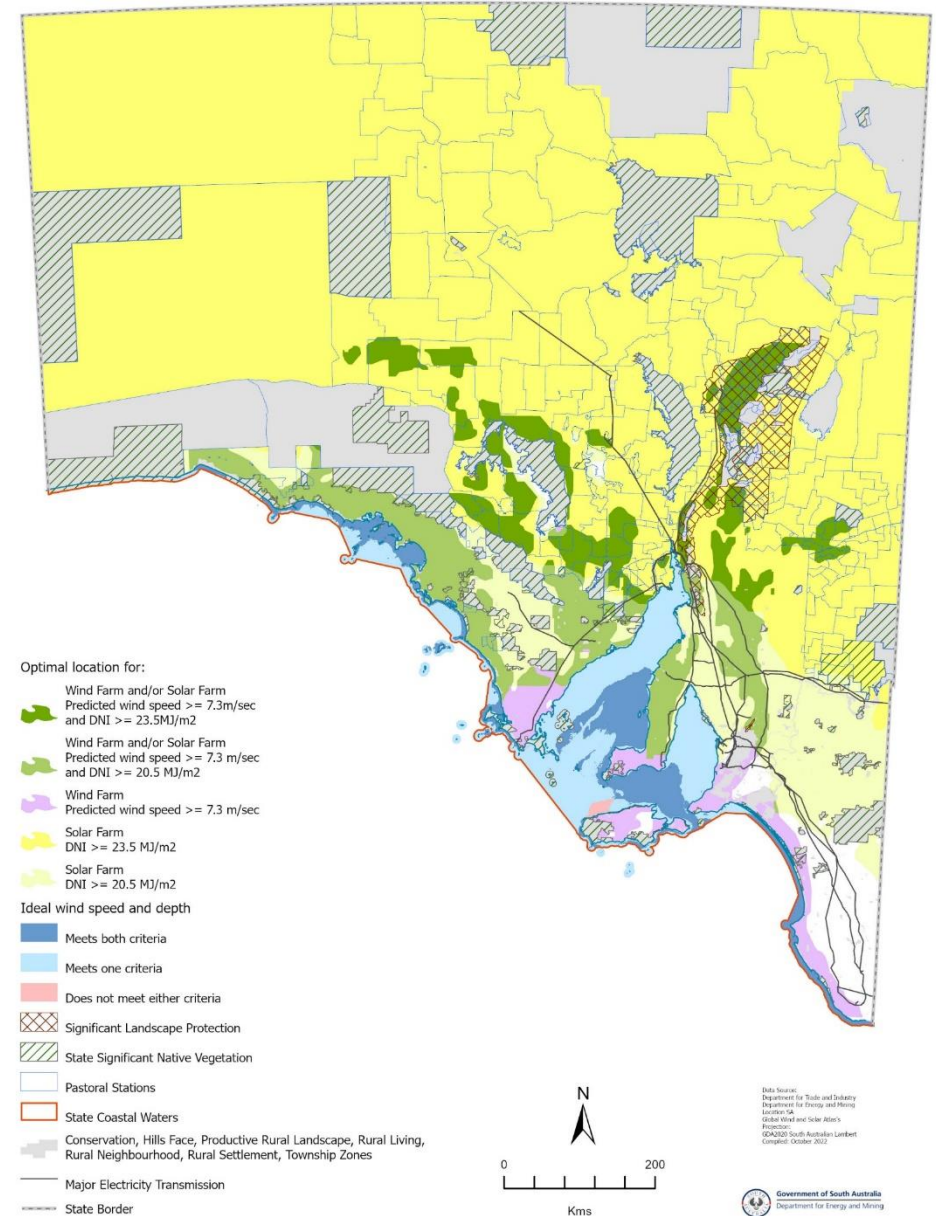


# Opportunities for gigawatt scale renewable energy

South Australia's Upper Spencer Gulf, coastal and elevated areas have a uniquely high combined capacity factor from wind and solar.

The State's pastoral estate covering 42.6% of land area has excellent wind and solar resources and opportunities to support hydrogen production – but limited renewable operations.

## South Australia - Renewable Energy Resources



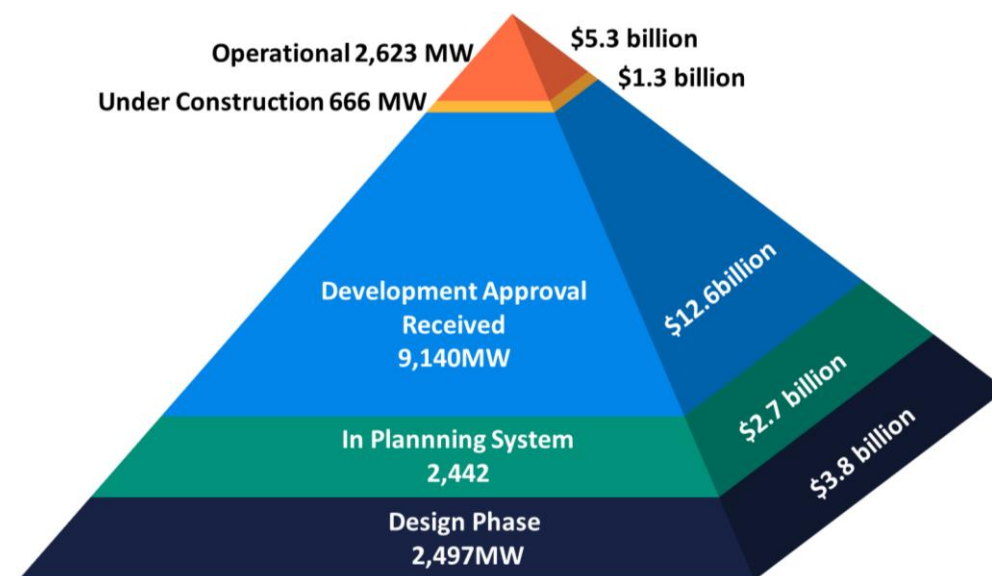
# Renewable energy project pipeline ripe for expansion

South Australia has 75+ large-scale renewable energy projects with estimated capital development investment of \$20 billion and over 14 GW generation.

- 33 operational projects – 2.6 GW, \$5.3 bn *spent*
- 2 under construction – 666 MW, \$1.3 bn
- 21 approved – 9.14 GW, \$12.6 bn
- 20 in planning and design – 5 GW, \$6.5 bn

DEM estimates there is a higher value of non-publicly announced projects at early design phase, including gigawatt-scale wind and solar projects proposed for the State's pastoral lands and state waters

## 75 RENEWABLE ENERGY PROJECTS in the development pipeline totaling **\$20bn INVESTMENT**



### ESTIMATED UNANNOUNCED PROJECTS

**55GW\***  
OF ECONOMICALLY  
DEVELOPABLE WIND

**37GW#**  
OF LARGE SCALE  
SOLAR

#Based on a 60:40 wind-solar capacity ratio for optimal electrolyser utilization rate





# Background

- Late 2021, government became aware of proponents looking to develop large scale renewable energy projects on pastoral land.
- *Pastoral Land Management and Conservation Act 1989* currently regulates activity – no clear pathway to assess applications in the best interests of the whole state and it's people.
- Following 2022 state election, government determined the best course of action was a new piece of legislation to regulate both the emerging hydrogen sector and renewable energy on pastoral land and state waters.
- Letter from Minister for Energy and Mining to pastoralists and developers stating intention to develop competitive framework for renewable energy development on pastoral land in proposed Hydrogen and Renewable Energy Act.



## Need for action – Limitations of Pastoral Act

- Current frameworks not fit for purpose – Act limits Minister ability to assess applications from a state-wide perspective
- First come, first served basis; lack of competition
- Appropriate certainty, controls and processes not available
- Frameworks do not maximise benefits for Aboriginal people, all South Australians and the environment
- Cannot realise hydrogen and renewable energy industry without major reform.

# Hydrogen and Renewable Energy Act: Draft Bill

- Draft Bill developed in response to consultation feedback
- Refined scope of proposed Act
- One window regulatory framework for hydrogen and renewable energy development state-wide
- Competitive access to pre-identified areas
- Maintains multiple land use, continuing to recognise all other overlapping legal rights over the same land, including pastoral leases
- Prescribed Native Title roles and engagement

## Draft for comment

South Australia

### Hydrogen and Renewable Energy Bill 2023

A BILL FOR

An Act to facilitate and regulate the generation of hydrogen and renewable energy in certain areas of the State, to make related amendments to the *Pastoral Land Management and Conservation Act 1989* and the *Planning, Development and Infrastructure Act 2016*, and for other purposes.

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7	Minister may declare release area
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##### Division 1—Requirement for licence

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10	Requirement for licence

##### Division 2—Licence categories

##### Subdivision 1—Hydrogen generation licence

11	Hydrogen generation licence
12	Term and renewal of licence

##### Subdivision 2—Renewable energy feasibility licence

13	Renewable energy feasibility licence
14	Term and renewal of licence

##### Subdivision 3—Renewable energy infrastructure licence

15	Renewable energy infrastructure licence
16	Term and renewal of licence

# Pastoral Act vs draft HRE Bill



	PLMC Act	HRE Bill
<b>Strategic identification of suitable pastoral land that can support renewable energy</b>	No	Yes. The release area process will ensure that only pastoral land suitable for hosting renewable energy will be developed.
<b>Competitive assessment of applicants against public selection criteria</b>	No, operates on a first come first served model	Yes. The HRE Bill proposes to provide public criteria to competitively assess applications against, ensuring the state only hosts the best proponents and projects.
<b>When access agreement required</b>	Before grant of licence.	Before conducting operations.
<b>Content of access agreement</b>	Access to the land or infrastructure on the land by the pastoral lessee / tenement holder.	Access to the licence area by the parties AND compensation payable by the licensee.
<b>Good faith negotiations</b>	Yes	Yes. ERD Court may refuse to make determination if no reasonable attempt to negotiate.



# Pastoral Act vs draft HRE Bill (continued)

	PLMC Act	HRE Bill
<b>Ministerial mediation</b>	Yes	Yes
<b>ERD Court's power to determine agreement</b>	Determination in relation to access to the land by the pastoral lessee / tenement holder.	Determination in relation to access to the licence area by the parties AND compensation payable by the licensee.
<b>Express provision for variation</b>	No	Yes
<b>Condition of licence to comply with access agreement</b>	No	To be considered
<b>Disputes about compliance with access agreement brought to ERD Court</b>	Yes	Yes
<b>Compensation payable to pastoral lessee</b>	No. Equitable amount paid from Fund to pastoral lessee, but no entitlement to other payment or compensation from licensee. No provision made for compensation or other payment to tenement holder.	Yes. Access agreement to deal with compensation payable by licensee.

# Summary

- Proposed Hydrogen and Renewable Energy Act aims to provide a framework that protects pastoralists, provides benefits to all, and ensures the establishment of a productive and sustainable framework into the future.
- Pastoralists can play key role in designing legislation and processes, and types of support and information required.
- Workshop is an opportunity to listen, engage, scrutinise, and contribute to the development of this important work.

# QUESTIONS



# Proposed Hydrogen and Renewable Energy Act

HRE Bill - Pastoralist Workshop

14 June 2023

Alisha Green

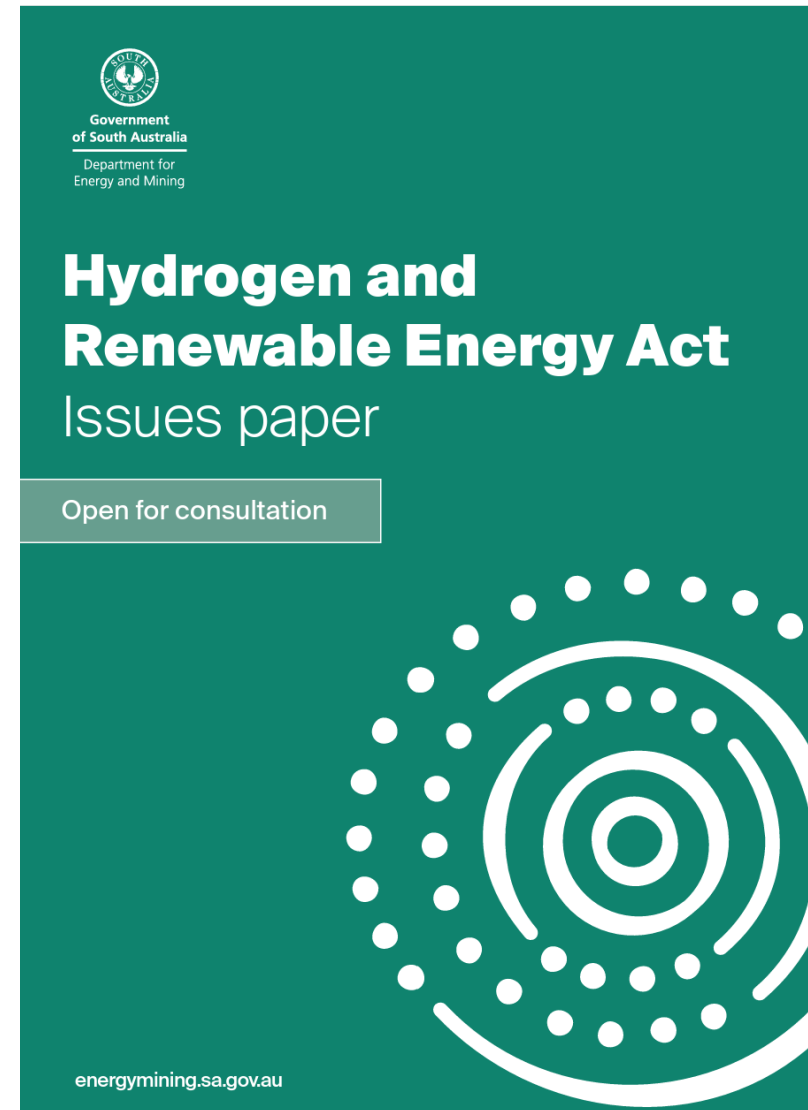
A/Director, Strategy and Policy

[energymining.sa.gov.au](http://energymining.sa.gov.au)



# Background: Proposal and Issues Paper

- Current frameworks not fit for purpose
- Frameworks do not maximise benefits for Aboriginal people, pastoralists, all South Australians and the environment
- Regulate the whole project lifecycle
- ‘One window to government’ approach to increase efficiency for project approvals
- Opportunity to do things differently and better
- Nov 2022 to Feb 2023 - sought public comment on a range of matters that will shape the direction of the legislation





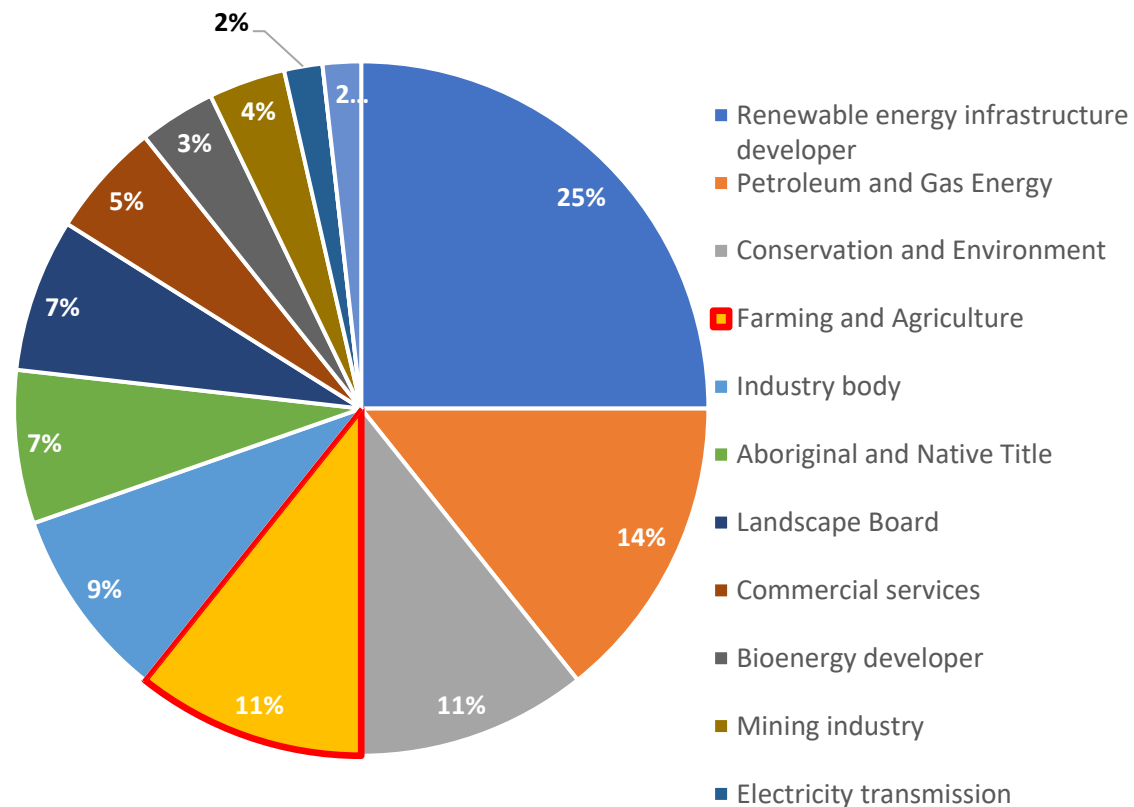
# Key principles

- Efficient, flexible licensing and regulatory framework
- Identifying areas for development
- Working together with pastoralists and Aboriginal people
- Deliver net environmental benefit
- Decommissioning and rehabilitation requirements
- Multiple and sequential land use outcomes
- Benefits for local communities
- Support decarbonisation of South Australia's economy and communities



# Issues Paper consultation summary

- Consultation was conducted over a three-month period from 7 November 2022 to 10 February 2023, using a combination of YourSAy surveys and forums, stakeholder meetings, 8 regional roadshows, engagement in Japan and Korea, and online webinar and Q&A
- Livestock SA meeting with Pastoralists in Woomera – March 2023
- 700 page views, 160 Issues Paper downloads
- 85 submissions received





# General feedback

- Majority of submissions support the government's ambition and intention to create a framework to encourage investment in the large-scale hydrogen and renewable energy sectors.
- Dealing with multiple regulators is a key challenge, the one window to government approach is well regarded.
- SA has a stronger focus on community, Aboriginal rights and multiple land use than other jurisdictions.
- **Pastoralists advised they should have a clear role in how pastoral activities co-exist alongside renewable energy.**
- Most respondents advised more detail is required to understand how many proposed processes will function, including the process to identify release areas and competitive tenure processes, and benefit sharing and Aboriginal involvement.
- Consultation report available on the website.

# Draft Hydrogen and Renewable Energy Bill

- Draft Bill developed, incorporating consultation feedback
- Refined scope of proposed Act
- One window regulatory framework for hydrogen and renewable energy development state-wide
- Competitive access to pre-identified areas of government owned land
- Maintains multiple land use, continuing to recognise all other overlapping legal rights over the same land, including pastoral leases
- Prescribed Native Title roles and engagement

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### Hydrogen and Renewable Energy Bill 2023

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# One window to government

- Nationally and internally recognised as leading practice
- Outcomes based
- Standardised approach for standard impacts
- Streamlines government approvals with a coordinated expert agency led approach



# SOUTH AUSTRALIA STRIKES GOLD AGAIN IN GLOBAL TOP 10

**9****OVERALL INVESTMENT ATTRACTIVENESS****1****GEOLOGICAL DATABASES****3****POLICY PERCEPTION**

# Objects of the Act

- (a) to facilitate and regulate exploration for, and exploitation of, renewable energy resources;
- (b) to establish an effective, efficient and flexible regulatory framework for the constructing, operating, maintaining and decommissioning of renewable energy infrastructure and facilities for generating hydrogen for commercial purposes;
- (c) to encourage and maintain an appropriate level of competition for access to designated land to enable exploration for, and exploiting of, renewable energy resources;
- (d) to enable engagement with Aboriginal people to ensure the regulatory framework in this Act maximises beneficial economic, environmental and social impacts and minimises adverse cultural and heritage impacts on Aboriginal people;
- (e) to facilitate economic prosperity and benefits for the State through the development of an industry for generating hydrogen and renewable energy;
- (f) to facilitate net environmental benefits from authorised operations;
- (g) to facilitate public safety in managing risks inherent in generating hydrogen;
- (h) to enable appropriate consultation before the declaration of release areas and the granting of licences under this Act;
- (i) to support the achievement of the following for the State:
  - (i) competitively priced and reliable renewable energy supply;
  - (ii) economic development of a hydrogen energy industry;
  - (iii) economic development of a net zero carbon emission industry.

# RELEASE AREAS

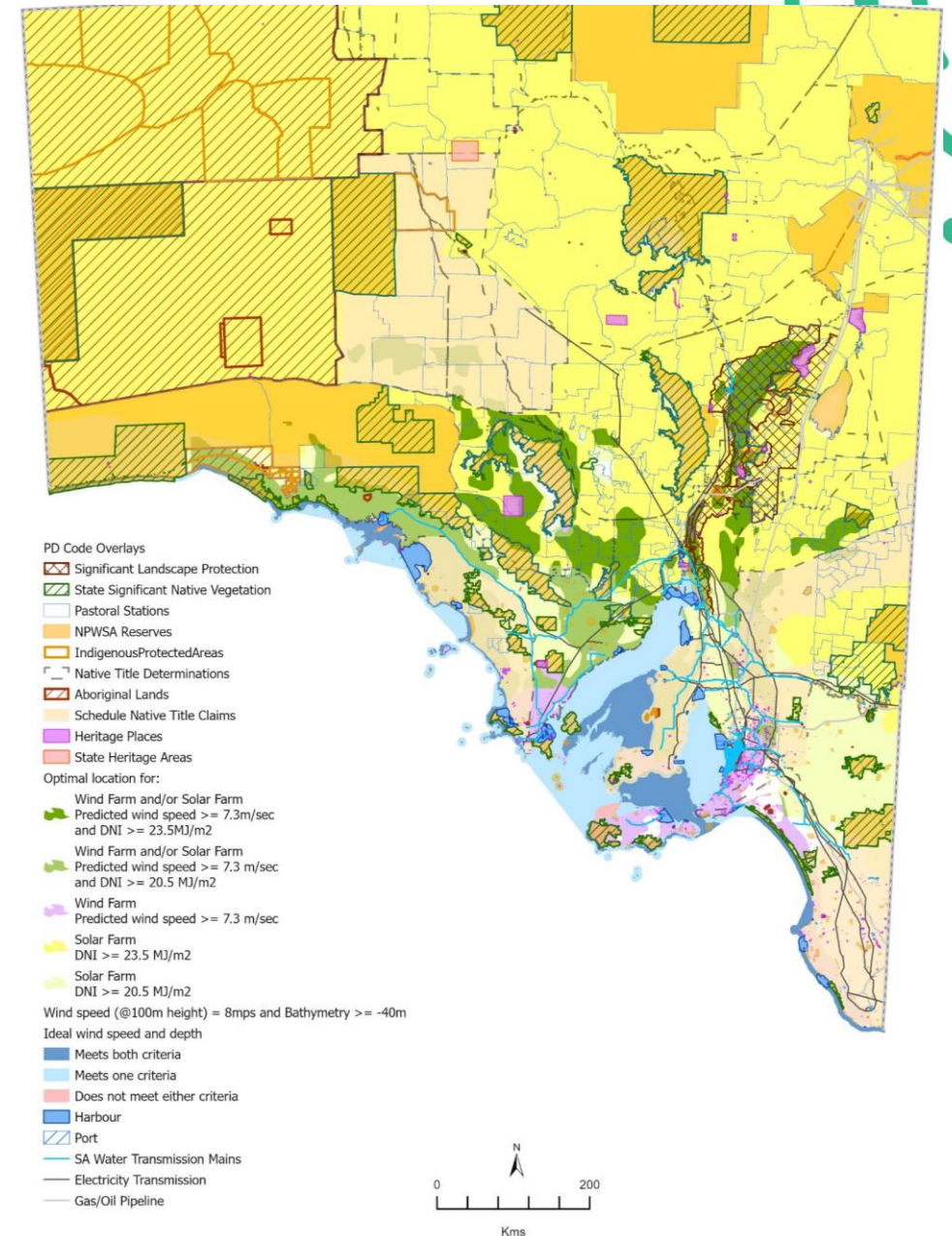
- New approach to development on government owned pastoral land and state waters
- Work together with Aboriginal communities, pastoralists, industry, and co-regulators to determine where we can sustainably host renewable energy projects
- Before licences are offered or granted
- Identify where development is not suitable – and suitable with terms and conditions
- Competitive tendering of licences to ensure greatest value to the state



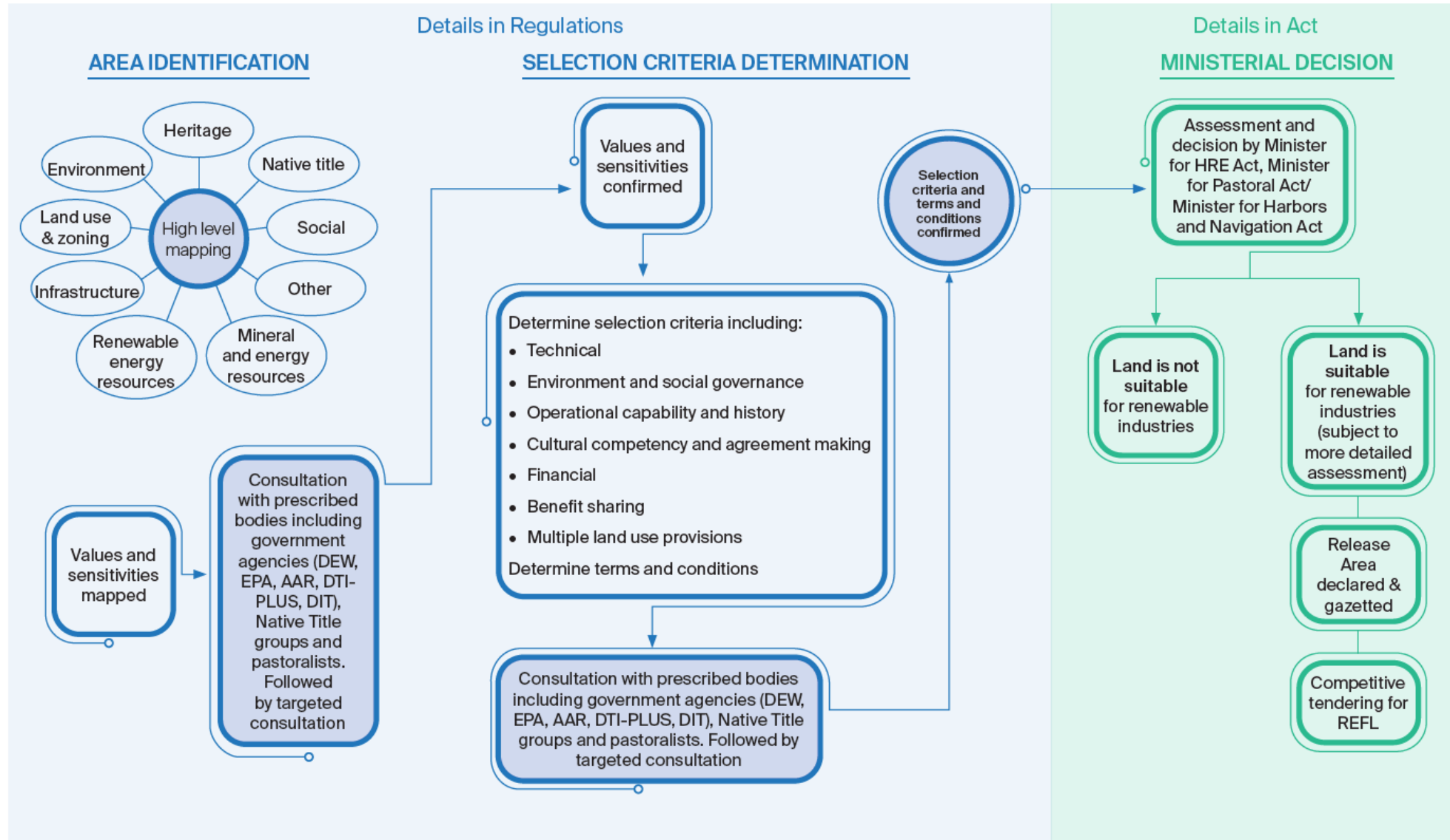
# Identifying areas: Release areas

It is proposed that identification of these areas will be undertaken through:

- A multi-criteria analysis using available mapping data. Process will establish a model that indicates level of sensitivity land has to renewable energy development.
- Supplemented by formal consultation with native title group/s, pastoralists, other landowners, co-regulators, renewable energy companies, electrical infrastructure companies, and impacted communities.



# Release Area process



Attachment 1 Process map

AAR: Aboriginal Affairs and Reconciliation  
 DEW: Department for Environment and Water  
 DIT: Department for Infrastructure and Transport

DTI-PLUS: Department for Trade and Investment-  
 Planning and Land Use Services  
 EPA: Environment Protection Authority

HRE: Hydrogen and Renewable Energy  
 REFL: Renewable Energy Feasibility Licence  
 Harbors and Navigation Act 1993





# Current applications over pastoral land

- Project proponents which have sought access to the state's pastoral land for large-scale renewable energy development will be required to apply for land access and licencing through the new release area framework.
- Minister for Energy and Mining wrote to pastoralists and renewable energy developers in December 2022 informing them of this position.

# RENEWABLE ENERGY FEASIBILITY LICENCE (REFL)

- Exploration of a renewable energy resource for the purpose of assessing the feasibility of exploiting a renewable energy resource.
- Authorised activities may include:
  - Meteorological mast construction.
  - Remote sensor operation.
  - Geotechnical investigation.
- Streamlined approvals process under the HRE Act for activities in a REFL.
- Grants exclusive rights to a release area to enter and undertake activities (designated land).
- Land access agreement with any pastoral lessee.
- 3-year licence term.
- Licence size to be determined by the Minister subject to release area process.
- Native title agreements required in form of Indigenous Land Use Agreement (ILUA) for Native Title lands.



# Renewable Energy Feasibility Licence (REFL) Selection Criteria



- For designated land, competitive tendering of licences against publicly disclosed selection criteria, such as:
  - Provision of a work program.
  - Maximising understanding of one or more renewable energy resource/s.
  - Operational, technical and financial capacity of applicant.
  - Applicants' demonstrable ability to successfully negotiate and establish land use agreements with underlying landowners, Native Title and other Traditional Owners.
  - Business model/plan of applicant and extent to which it serves the State's objectives for the South Australian economy.
- A REFL grants an automatic right for the licensee to apply for a Renewable Energy Infrastructure Licence (REIL) over the same land.

# RENEWABLE ENERGY INFRASTRUCTURE LICENCE (REIL)

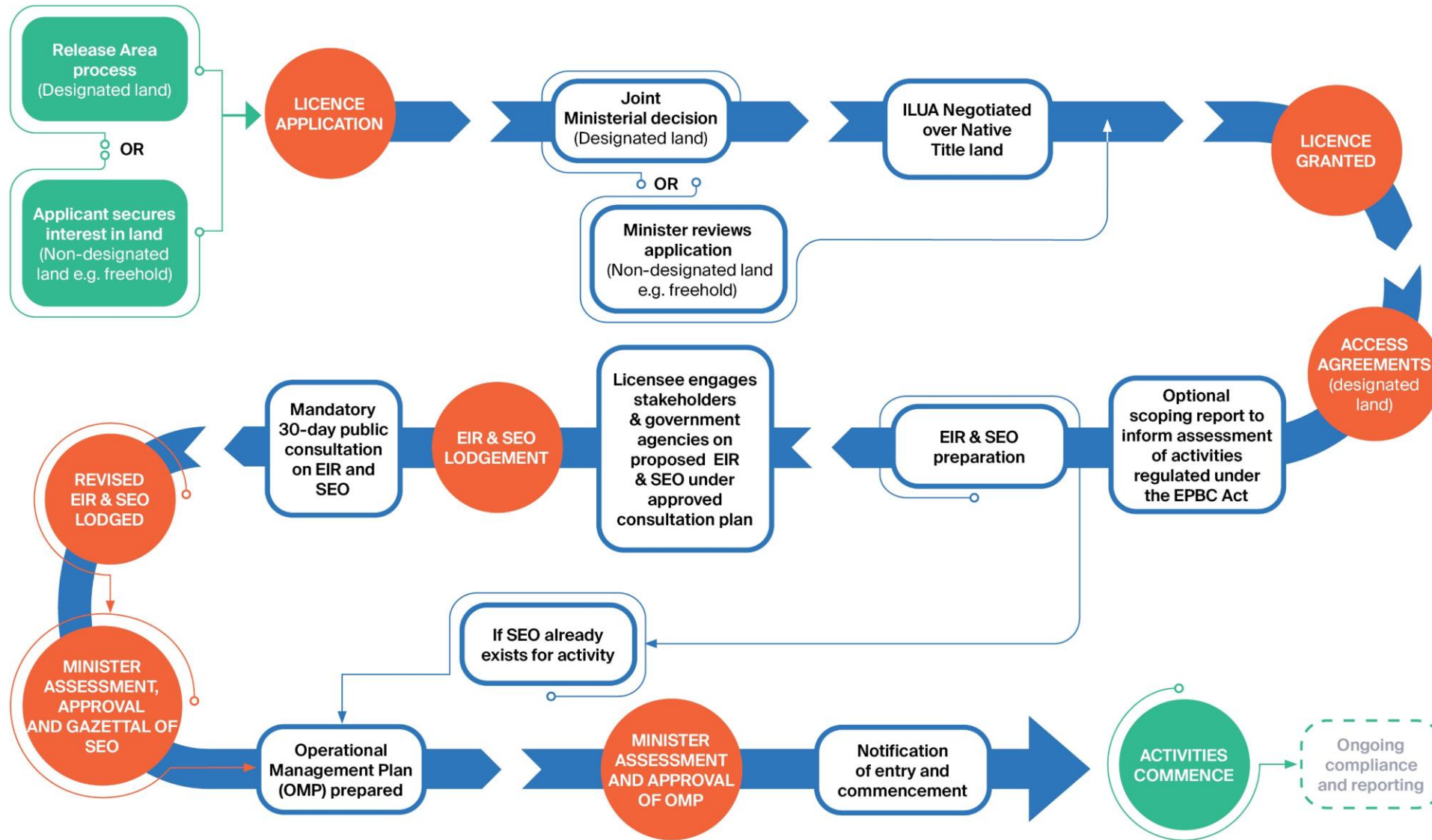


- Construct, install, operate, maintain or decommission renewable energy infrastructure, and all incidental activities necessary for the generation of renewable energy.
- Authorised infrastructure may include:
  - Wind turbines.
  - Solar panels.
  - Wave and/or tidal turbines.
  - Battery and pumped hydro storage – primarily for storing renewable energy.
- Grants exclusive rights to enter and undertake activities (designated land).
- Land access agreement with any pastoral lessee.
- 40-year licence term, held by operation.
- Licence size to be determined by the Minister.
- A REIL will include joint approval with the Minister for the Pastoral Act.
- Native title agreements required in form of Indigenous Land Use Agreement (ILUA) for Native Title lands.

# HYDROGEN GENERATION LICENCE (HGL)

- Construct, install, operate, maintain and decommission facilities to generate hydrogen for commercial purposes.
- Generating hydrogen means undertaking operations for the creation of hydrogen by processes such as the electrolysis of water, reformation of natural gas etc.
- Includes incidental operations such as surface storage of hydrogen and processing of hydrogen to compounds (e.g., ammonia) for the purposes of transportation.
- Approval process under the HRE Act to ensure hydrogen operations meet leading practice safety standards.
- Exclusions:
  - Operation of a transmission pipelines.
  - Storage of hydrogen in a natural underground reservoir.
- Does not confer right to land – proponent must acquire an interest in the land.
- Licence term and size to be determined by the Minister.
- Native title agreements required in form of Indigenous Land Use Agreement (ILUA) for Native Title lands.

# Hydrogen and Renewable Energy Act licensing process



ILUA: Indigenous Land Use Agreement  
PDI Act: Planning, Development, and Infrastructure Act 2016

EPBC Act: Environment Protection and Biodiversity Conservation Act 1999  
EIR: Environmental Impact Report

SEO: Statement of Environmental Objectives  
OMP: Operational Management Plan  
REIL: Renewable Energy Infrastructure Licence

REFL: Renewable Energy Feasibility Licence  
HGL: Hydrogen Generation Licence  
Other definitions on previous page



# Definitions

## Scoping Report

- A scoping report may be required where a project is likely to have complex environmental or social interactions, including potential for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- The scoping report may determine the level of detail, priority of issues and extent of work that is expected by government and the community relating to environmental impacts.
- This report provides the licence holder with greater certainty as to the assessment process that will be undertaken.

## Environmental Impact Report (EIR)

- The EIR details the potential impacts from the proposed activity on the environment (social, natural and economic).
- Applicants conduct a risk assessment to demonstrate impacts can be appropriately managed.

## Statement of Environmental Objectives (SEO)

- The SEO outlines how impacts in the EIR will be managed.
- It states the environmental objectives that must be achieved to carry out activities, including requirements of other co-regulatory agencies.
- It outlines the assessment criteria that determine if an objective has been achieved.
- It also provides definitions for immediately reportable incidents.

## Operational Management Plan (OMP)

- This plan specifies the operations to be undertaken, including the construction, operation, maintenance and decommissioning of equipment and rehabilitation of land pertaining to all operations.
- It details how compliance with objectives of relevant SEO will be achieved, with reference to relevant standards where required.

# Provisions applicable to all HRE Act licences



- Licence holders to provide resource data collected to the government, however will be held confidentially until licence relinquishment.
- Decommissioning and rehabilitation requirements.
- Licence fees for service.
- Rent payable over designated land (further consultation planned).
- Bond and security provisions, being discretionary for each project (further consultation planned).
- Dispute resolution and compensation provisions for other land users (e.g., pastoral and resource licences).
- All licence applications require provision of work program and demonstration of operational, technical and financial capability.
- A licence may be cancelled by the Minister if the licensee fails to meet their work program.

# SPECIAL ENTERPRISE LICENCE (SEL)

- Provides tenure for projects that are of major State significance by conferring access to land to undertake activities for the generation of renewable energy and hydrogen.
- Non-consensual grant of licence(s) subject to agreement between Minister and proponent, ratified by Governor.
- Does not compulsorily acquire land, or extinguish Native Title rights.
- Intended that a special enterprise licence co-exist with existing land rights and interests.
- Applicable to all land in South Australia.
- Agreement between Minister and proponent regarding access conditions and compensation.
- Prescribed consultation requirements.
- Activities licensed by a SEL still subject to approvals processes under the HRE Act.



# WHAT IS NOT LICENSED UNDER THE HRE ACT

- Non-commercial hydrogen projects.
- Domestic use of renewable energy.
- End use of hydrogen – e.g., petrochemical facilities, hydrogen refuelling stations etc.
- Any activities that may be excluded by regulation.

# Amendments to *Pastoral Land Management and Conservation Act 1989*



- Remove Part 6 Division 4 that provides for wind farm licences.
- Add solar farm as co-existing land use, remove requirement to excise portion of lease.
- Provide ability to excise portion of lease for hydrogen generation facility – using model of current solar mechanism.
- General provisions for consistency between HRE and Pastoral Acts.



# QUESTIONS





# Release Areas and Competitive Tendering

HRE Bill - Pastoralist Workshop

14 June 2023

Cameron May

Principal Policy Officer

[energymining.sa.gov.au](http://energymining.sa.gov.au)



# Identifying suitable areas for development

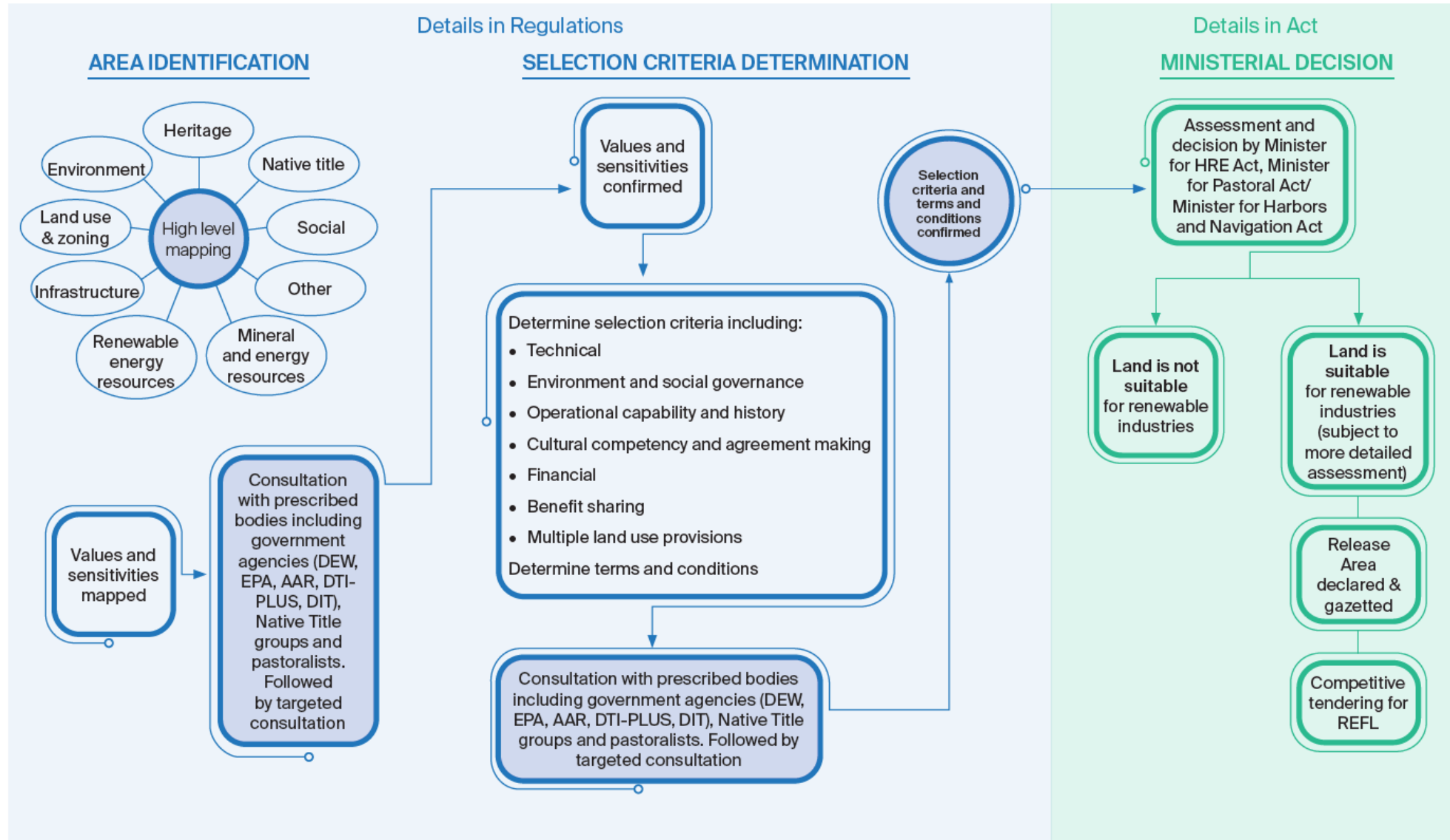
- New approach for Pastoral land and State waters
- Work together early to determine where we can sustainably host renewable energy projects
- Before licences are offered or granted
- Identify where development is not suitable – or suitable with terms and conditions
- Want to discuss with you how this is proposed to work, and seek ideas and feedback



# Issue we are seeking to solve

- Current approach on pastoral land and state waters = first come, first served
- Appropriate controls and processes not available for orderly development
- No competition
- Little early engagement
- Do not maximise benefits for Aboriginal people, all South Australians or the environment

# Release Area process



Attachment 1 Process map

AAR: Aboriginal Affairs and Reconciliation  
 DEW: Department for Environment and Water  
 DIT: Department for Infrastructure and Transport

DTI-PLUS: Department for Trade and Investment-  
 Planning and Land Use Services  
 EPA: Environment Protection Authority

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 Harbors and Navigation Act 1993



# Data types include

- Wind and solar resource data
- Existing and required infrastructure, including electricity and gas transmission, roads, port, water and other relevant infrastructure
- Current economic land uses and rights to use land (including pastoral, mining, petroleum, tourism)
- Native title
- Aboriginal heritage
- Conservation land uses and threatened species management
- Current State policies and strategies, such as the State's renewable energy and hydrogen economy priorities







# Constraints and sensitivities

- Environmental
- Protected areas
- Defence
- Infrastructure
- Zoning
- Buffers
- Pastoral activities/key infrastructure/access routes
- Need to refine in consultation on specific areas



## + resources data

- Sensitivities overlaid with initial wind and solar data
- Demonstrate value and interest in pastoral land
- Look to identify specific areas for further analysis and release



## Size of an area?

- No precise answer or “one size fits all approach”
- Seeking a “pipeline” of renewable energy development that supports SA’s green hydrogen and decarbonisation goals
- Resource availability/strength
- Scale of energy generation needed for hydrogen production
- Technology
- Land use sensitivities, including economic, cultural, heritage and environmental
- Ensuring a competitive environment to “raise the bar”
- Existing infrastructure, supply chain and market for energy

# Example – Goyder Renewables Zone



Currently the largest renewable energy project in SA – Neoen Australia

**SOUTH = approx. 27,451 ha or 275 km<sup>2</sup>\***

Stage 1 (red circle) – under construction:

- Total 412 MW - 75 turbines @ 5.5 MW each
- Area approx. 7,725 ha or 77.25 km<sup>2</sup>\*

Stage 2/3

- Up to 600 MW wind
- Up to 600 MW solar
- Up to 900 MW battery storage

**Total up to 1.6 GW**

**NORTH**

- Early planning stages – wind only



# What if someone wants to propose an area?

- Renewable energy companies may be interested in an area that has not been declared as a release area.
- Pastoralists may be interested in nominating their lease as a release area.

Propose to set up a process where:

- Individuals or companies can request the Minister to consider the declaration of an area.
- The Minister would not be forced to make a decision.
- Minister's discretion based on technical, environmental and social/cultural considerations, and alignment with strategic energy and economic requirements of South Australia.
- The declaration of the area would follow the provisions in the Act, including joint determination with the Minister administering the Pastoral Act for areas on pastoral land.



# Competitive tendering

- Once release area is identified, it will be opened for competitive bidding for exclusive access to the area, or part of the area.
- Renewable energy development on pastoral land will only occur through a release area and competitive tenure process.
- Tendering of applications will be against publicly available selection criteria to ensure the state only hosts the best projects.
- Selection criteria will be informed by consultation with pastoralists, Native Title groups, co-regulators, and others.



# Competitive tendering selection criteria

- For designated land, competitive tendering of licences against publicly disclosed selection criteria, such as:
  - Provision of a work program.
  - Maximising understanding of one or more renewable energy resource/s.
  - Operational, technical and financial capacity of applicant.
  - Applicants' demonstrable ability to successfully negotiate and establish land use agreements with underlying landowners, Native Title and other Traditional Owners.
  - Business model/plan of applicant and extent to which it serves the State's objectives for the South Australian economy.
- A Renewable Energy Feasibility Licence (REFL) grants an automatic right for the licensee to apply for a Renewable Energy Infrastructure Licence (REIL) over the same land.



# Consultation

Statutory consultation is intended to:

- Enable interested and impacted parties to provide feedback and share information about land uses, values and potential impacts
- Identify potential social, cultural, environmental and economic impacts, including benefits and risks

And also:

- To inform criteria for selection of preferred project developer through competitive process
- To inform the terms and conditions that should apply to a licence

# QUESTIONS





## Questions for discussion

1. What information should be considered in Release Area mapping?
2. What selection criteria should be applied to competitive tendering?
3. How and when should you be engaged in determining release areas?

# Licensing process: Roles and rights of pastoralists

HRE Bill - Pastoralist Workshop

14 June 2023

Alisha Green

A/Director, Strategy and Policy

[energymining.sa.gov.au](http://energymining.sa.gov.au)



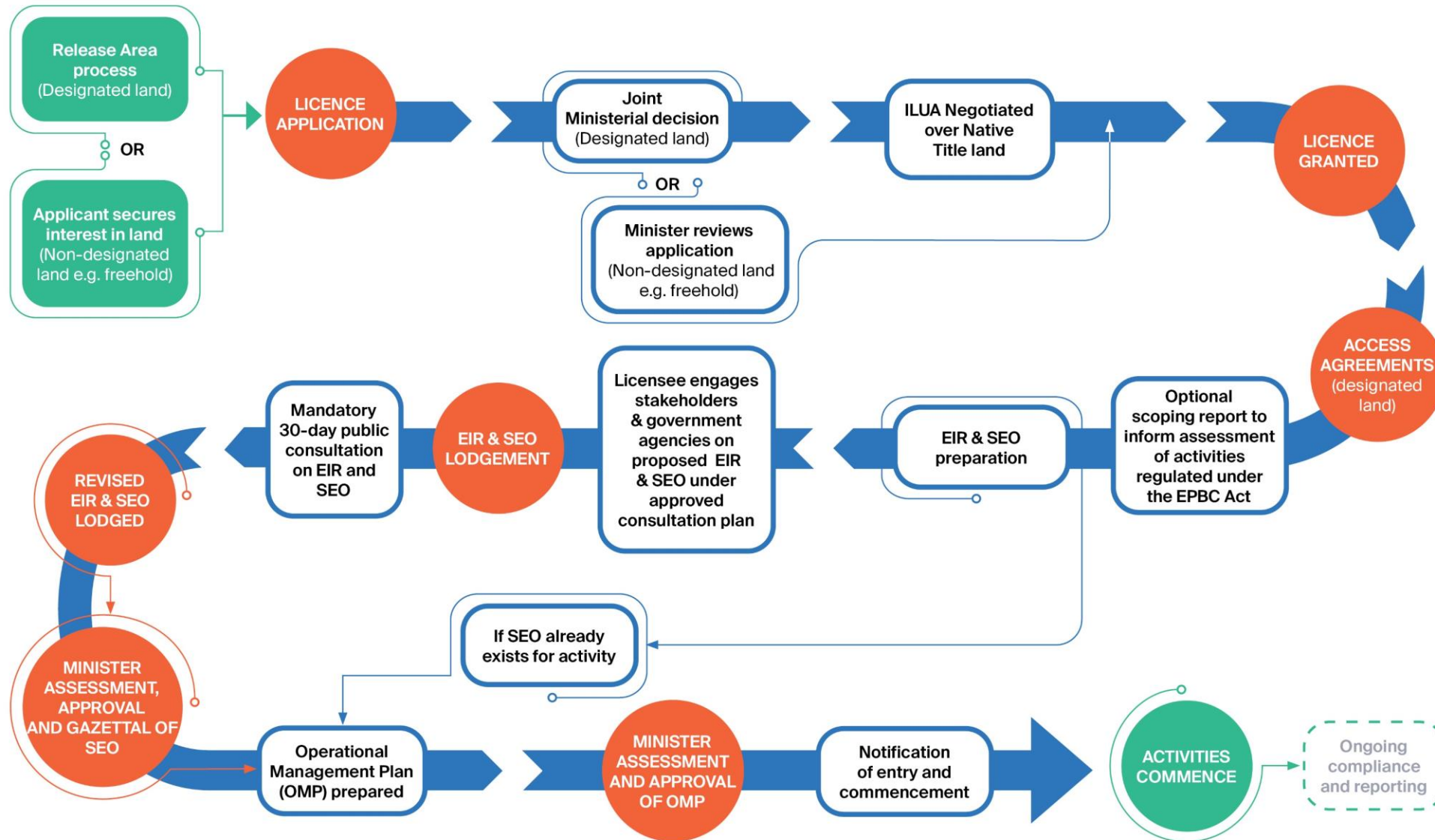


# Licensing framework

- Allows for a system to approve, monitor, and regulate activities
  - Support pastoralists, environment, communities
- Prescribed consultation and role for pastoralists to ensure coexistence and benefit sharing
  - Access agreements, compensation, payments to Pastoral Land Management Fund, dispute resolution mechanisms, decommissioning and rehabilitation



# Hydrogen and Renewable Energy Act licensing process



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PDI Act: Planning, Development, and Infrastructure Act 2016

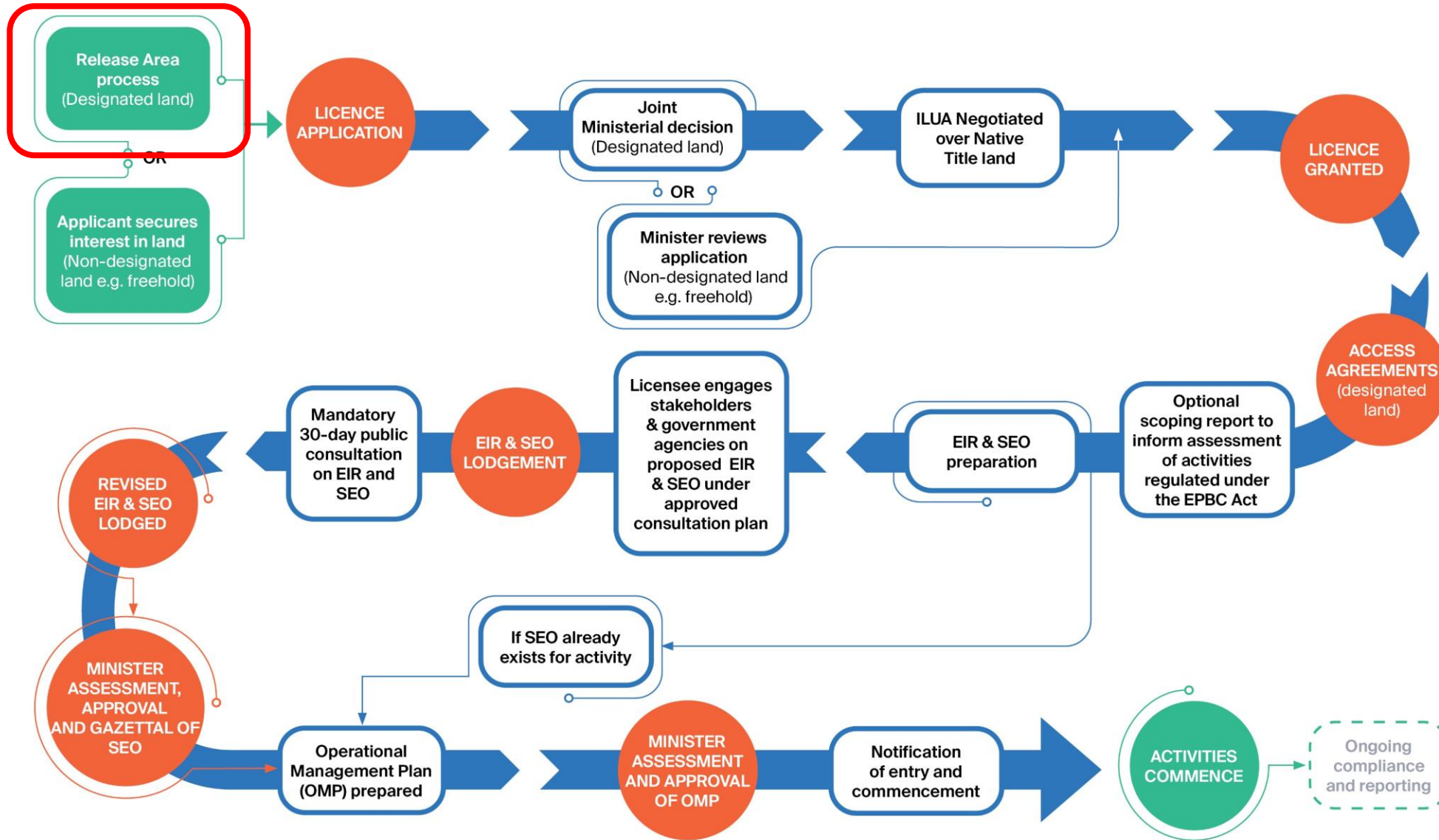
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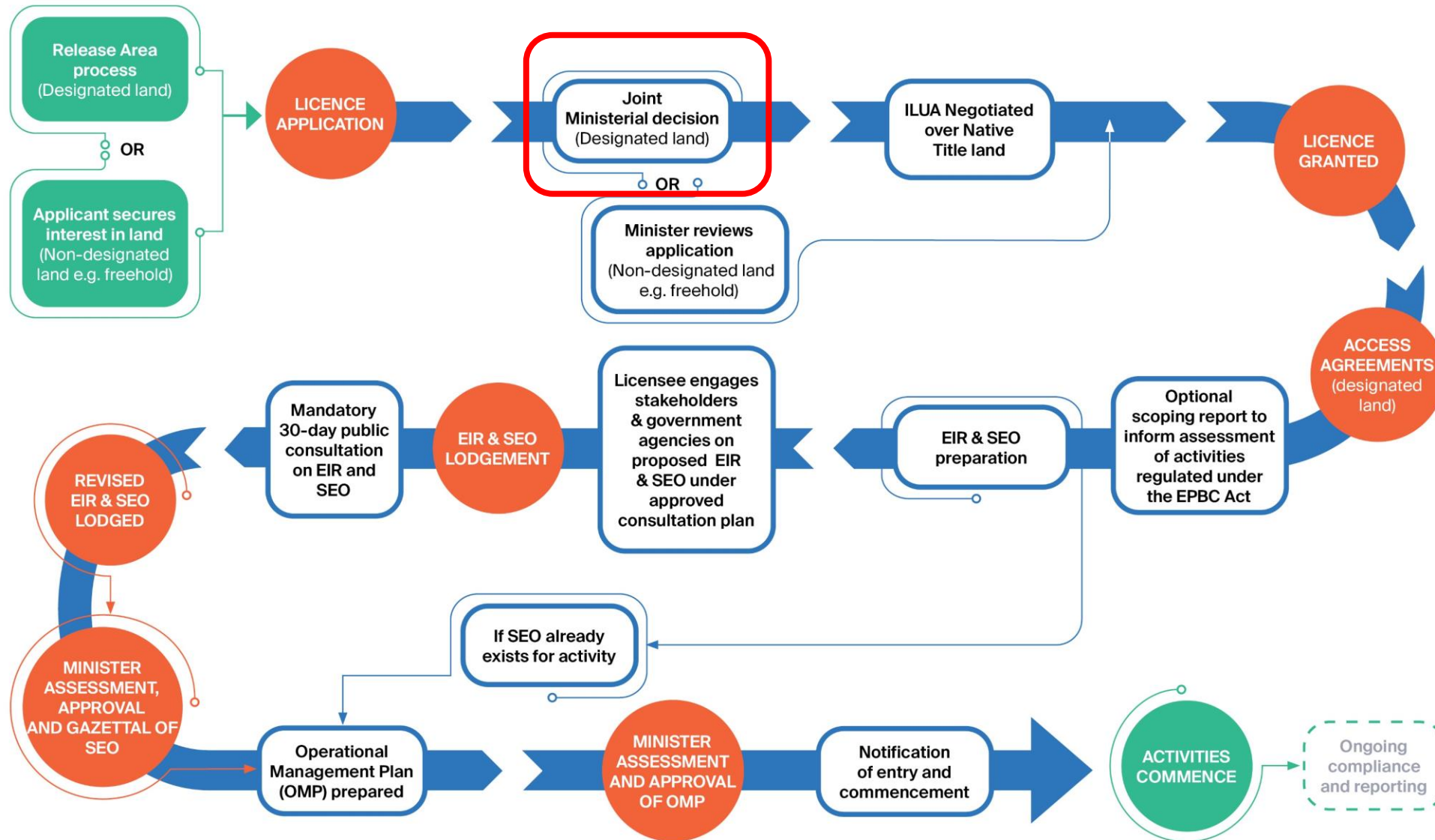
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# Joint approval of Release Area



- Minister for Pastoral Act must jointly approve a Release Area
  - Follows prescribed consultation with impacted pastoralists on identified area and specific selection criteria to be applied
  - Opportunity for Minister to consider objects of Pastoral Act and views of pastoralists

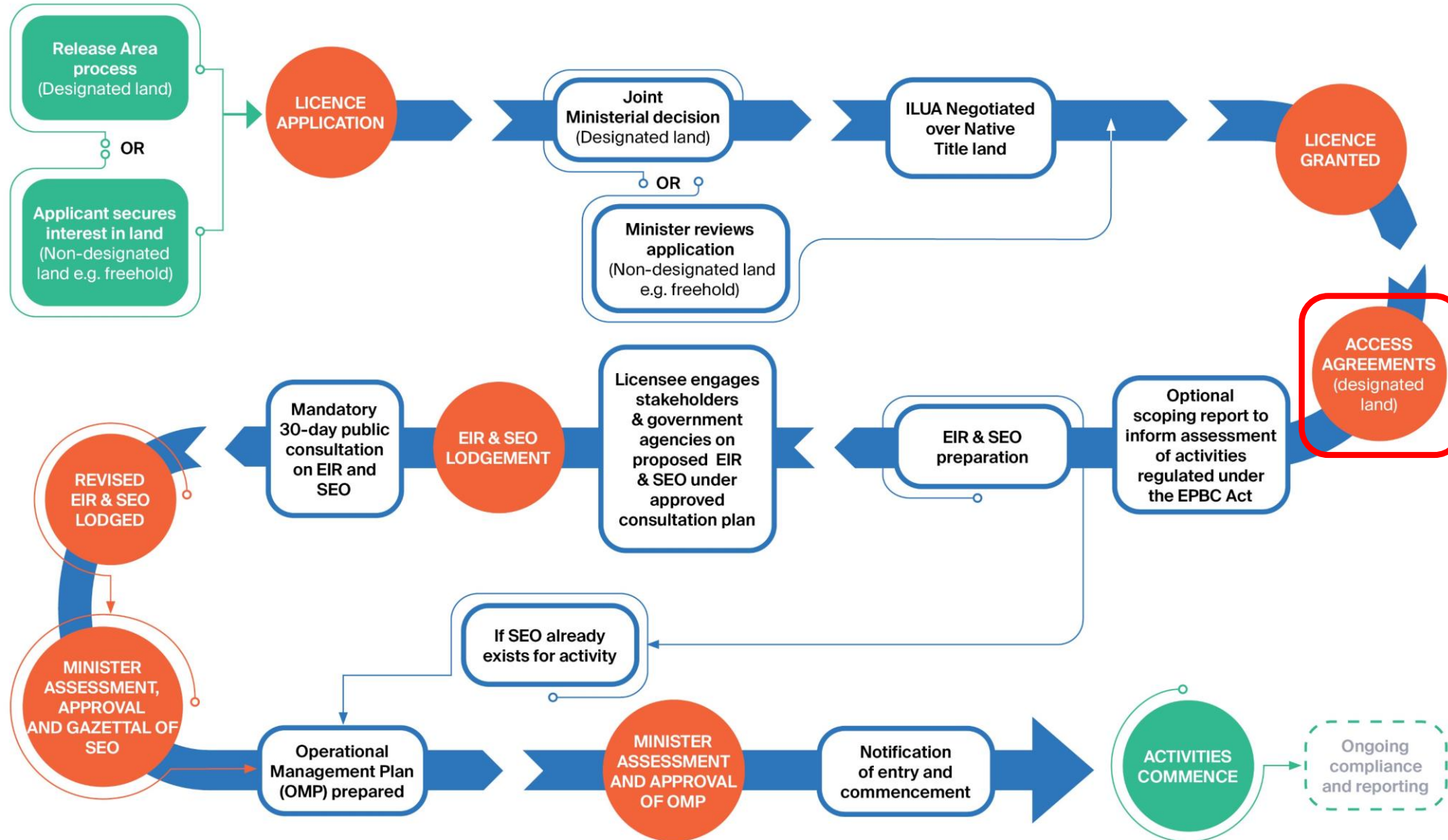
# Joint approval of Renewable Energy Infrastructure Licence (REIL)



- Minister for Pastoral Act must jointly approve granting of REIL
  - Ensures impacts to pastoral activities are considered, and project is consistent with objects of Pastoral Act
  - Opportunity for Minister to consider views of pastoralists



# Hydrogen and Renewable Energy Act licensing process



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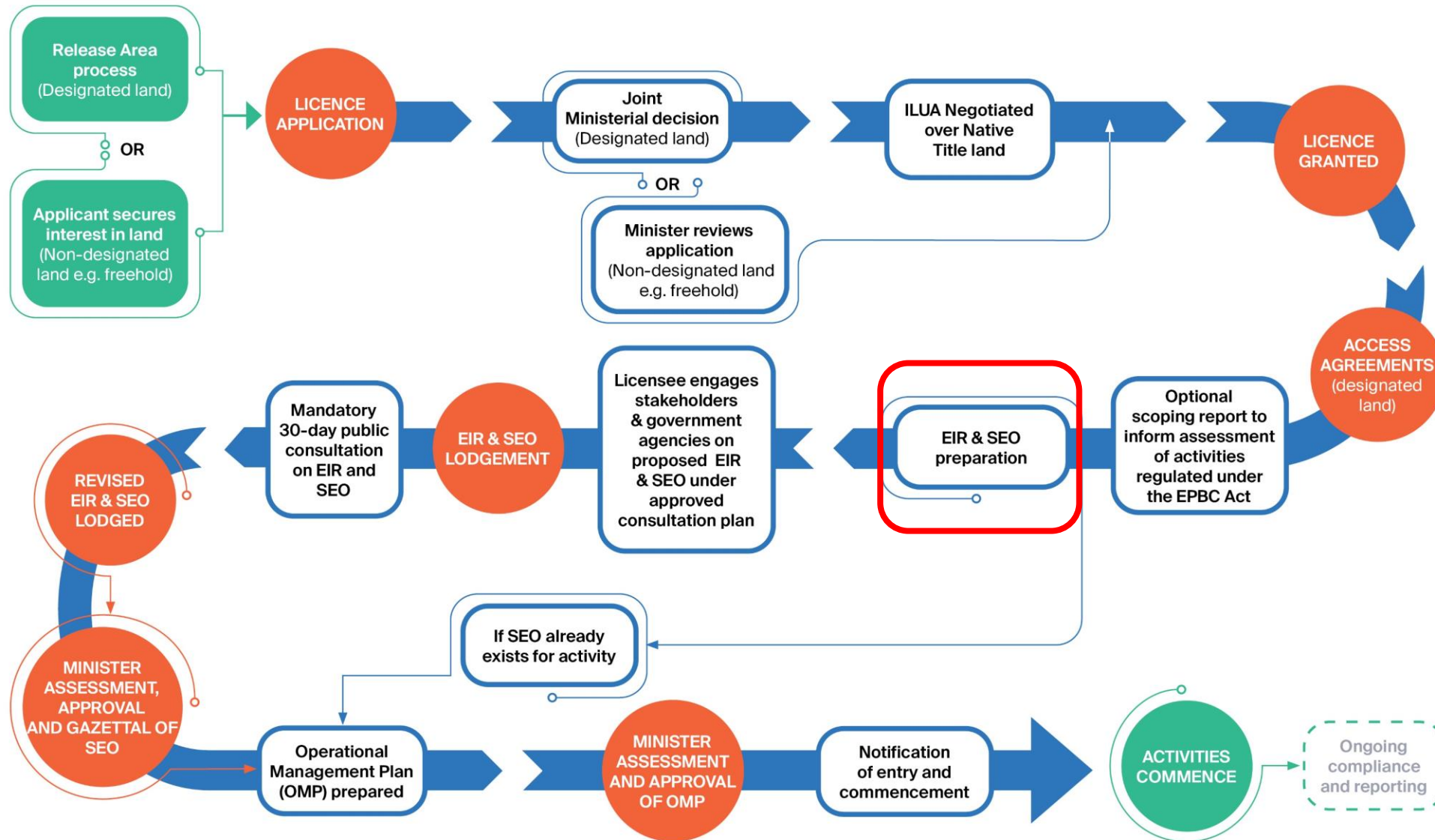
REFL: Renewable Energy Feasibility Licence  
 HGL: Hydrogen Generation Licence  
 Other definitions on previous page

# Access agreements

- Must be negotiated before commencement of activities
  - Companies have incentive to reach agreement to progress projects and avoid delays
- At a minimum, access agreement *must* contain:
  - Access arrangements to the licence area by all parties
  - Compensation payable by licensee.
- Full terms of access agreements can be negotiated independently between pastoralist and licensee.
  - Must be negotiated in good faith
  - Allows negotiation of requirements to meet individual needs and circumstances.
- Application to ERD Court by either party to settle disputes and determine appropriate arrangements



# Hydrogen and Renewable Energy Act licensing process



ILUA: Indigenous Land Use Agreement  
PDI Act: Planning, Development, and Infrastructure Act 2016

EPBC Act: Environment Protection and Biodiversity Conservation Act 1999  
EIR: Environmental Impact Report

SEO: Statement of Environmental Objectives  
OMP: Operational Management Plan  
REIL: Renewable Energy Infrastructure Licence

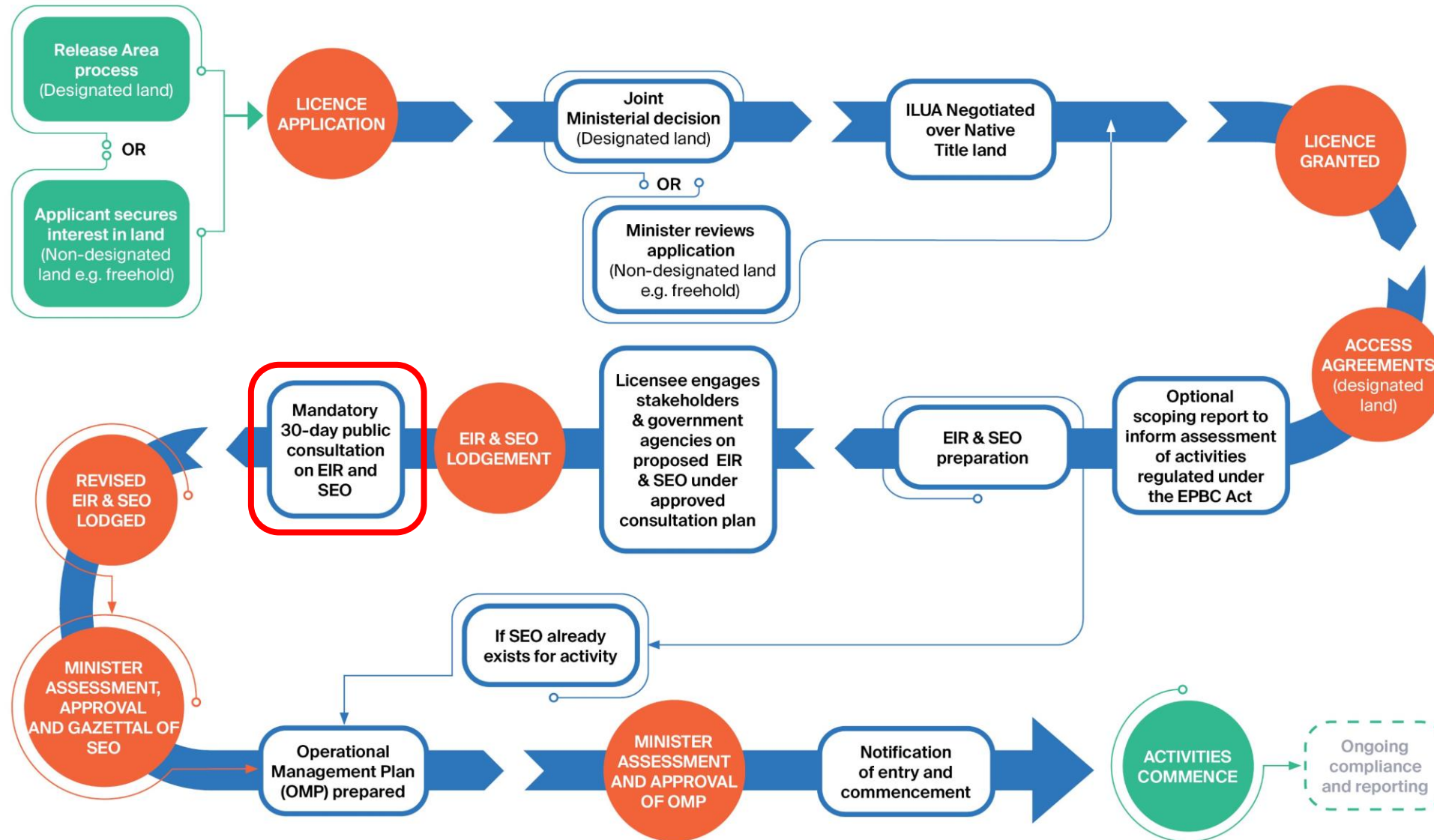
REFL: Renewable Energy Feasibility Licence  
HGL: Hydrogen Generation Licence  
Other definitions on previous page



# Environmental Impact Report (EIR) and Statement of Environmental Objectives (SEO)

- Environmental Impact Report –
  - Details impacts of projects (environmental, social, economic, cultural)
  - Prescribed consultation with pastoralists to understand sensitivities of land
- Statement of Environmental Objectives –
  - Details how identified impacts will be mitigated and reduced
  - Defines reportable incidents
  - Includes rehabilitation of land
  - Prescribed consultation with pastoralists to understand how to avoid or minimise impact.

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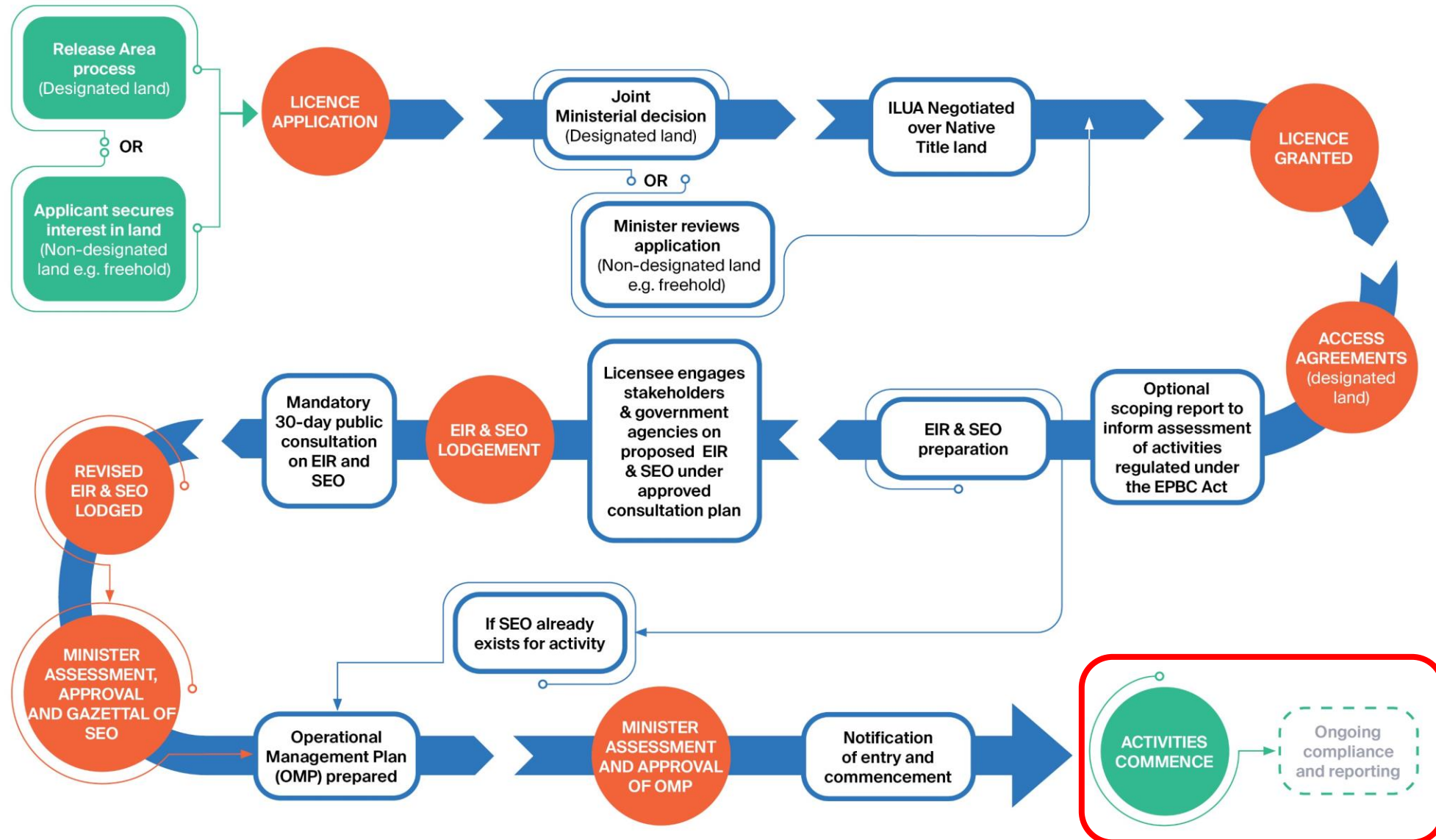


# Mandatory public consultation

- Minister must publicly consult on EIR and SEO for no less than 30 days.
- Minister must have regard to any submissions received before assessing EIR and SEO.
- Ensures pastoralists can advise the Minister on impacts of activities before decision is made.



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# Ongoing compliance and reporting

- Proponents have an obligation to act in accordance with their licence conditions and access agreements.
- Compliance and Emergency direction powers to ensure compliance with licence, or direct licensee to make good on any breach.
- Any incidents or breaches of licence conditions can result in penalties or revocation of licence.
- Minister must publish annual report on results of any investigations, number of compliance directions given, number of emergency directions issued.





# Payments to Pastoral Land Management Fund

- Proponents will pay rent to government for accessing pastoral land
- Amounts to be determined through consultation and Regulations
- Draft Bill provides for proportion of rent to be paid into Pastoral Land Management Fund
- Empower Pastoral Board to advance objects of the Pastoral Act.



# Decommissioning and Rehabilitation

- Licences must include conditions ensuring that a proper process is put in place for the eventual decommissioning of the infrastructure operated under the licence and rehabilitation of land within the licence area.
- Minister can require licensee to enter into a bond to ensure any disturbed land is rehabilitated at the end of the project.
- Failure to adhere to decommissioning and rehabilitation agreement will be a breach of licence conditions, could result in penalties or directions by Minister.

# QUESTIONS



# Questions for discussion

1. How should access agreements be structured?
2. How and when should you be engaged in EIR and SEO process?
3. What support do you need to negotiate with developers?