

# Hydrogen and Renewable Energy Act: impacts on renewable energy developments

## Introduction

On 11 July 2024, the *Hydrogen and Renewable Energy Act 2023* formally commenced. This new Act and its accompanying regulations have changed the way some renewable energy and hydrogen developments are assessed in South Australia.

This fact sheet outlines what this means for renewable energy and hydrogen production facility developments that were lodged or approved under the *Planning, Development and Infrastructure Act 2016* and its predecessor, the *Development Act 1993*.

All new grid-scale renewable energy and hydrogen production facility developments must now be considered under the Hydrogen and Renewable Energy Act.

Visit the [Department for Energy and Mining](#) website for more information on the Hydrogen and Renewable Energy Act, its licensing and assessment requirements and contact details.

## Small-scale developments

The Hydrogen and Renewable Energy Act does not affect small-scale renewable energy or battery energy storage systems with a nameplate capacity under 5 MW.

These developments will continue to be assessed and determined under the Planning, Development and Infrastructure Act, subject to any provisions under the Planning and Design Code.

Existing development exemptions for domestic scale (solar) systems under Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017* continue to apply.

## Large-scale developments

### Lodged applications

Grid-scale renewable energy and hydrogen production facility applications that were lodged in the DAP (Development Application Processing) system under a previous Act and are awaiting a decision will continue to be determined under the Planning, Development and Infrastructure Act.

Applicants also have the right to withdraw their application and have the proposal considered under the Hydrogen and Renewable Energy Act.

## **Applications approved under previous Acts**

Planning consent and/or development approval given under a previous Act is not affected, as long as the operative period remains valid.

Any subsequent application to vary the decision or seek an extension of time to commence the development can continue to be considered under the Planning, Development and Infrastructure Act by the relevant planning authority. This includes satisfying 'reserved matters' or conditions.

However, a new application will be required if substantial changes are proposed to the approved development, which will be assessed under the Hydrogen and Renewable Energy Act.

## **Approved developments currently operating**

Existing conditions will continue to apply for developments that received planning approval under a previous Act and are currently operating.

These conditions are enforceable under the Planning, Development and Infrastructure Act by the relevant planning authority.

## **Hydrogen and Renewable Energy Act licensing requirements**

The Hydrogen and Renewable Energy Act introduces licensing requirements that apply to grid-scale renewable energy and battery storage developments.

Approved developments that are not yet constructed must obtain a licence before operation begins. Developments that are already operating must obtain a licence by 11 July 2025.

Contact the [Department for Energy and Mining](#) for more information on the transitional process and annual licensing fees.

## **Fees**

Fees to vary or extend a previous planning authorisation can be found on the [PlanSA portal](#).

## **More information**

Visit the [PlanSA portal](#) to learn more about the planning considerations for previously lodged and/or approved grid-scale renewable energy developments and small-scale renewable energy developments.

For more information contact the PlanSA service desk via:

- email [PlanSA@sa.gov.au](mailto:PlanSA@sa.gov.au)
- phone on 1800 752 664.
- visit [PlanSA portal](#).