

**ITEM 6 GRANT OF EASEMENTS OVER COUNCIL COMMUNITY LAND FOR COMMUNITY BATTERIES**

Endeavor Energy have provided Council with notice of their intention to conduct works on Council community land, being Lot 263 DP 29165, Kundle Street Reserve, Dapto ("Kundle Site"), Lot 16 DP 36010 Ribbonwood Centre, Dapto ("Ribbonwood Site"), Lot 42 DP 258363 Compton Street Reserve, Dapto ("Compton Site"), and Lot F DP 18578 Cawley Park, Russell Vale ("Cawley Site") for the installation of community batteries.

Endeavor Energy requires an easement for access and maintenance to be granted over Council owned community land to ensure the longevity and operation of those batteries. This report seeks approval from Council to grant the easements at these sites.

**RECOMMENDATION**

- 1 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of eighty-three square metres over Council land known as Lot 263 DP 29165, as shown on the attachment to this report.
- 2 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of fifteen square metres over Council land known as Lot 16 DP 36010, as shown on the attachment to this report.
- 3 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of forty-nine square metres over Council land known as Lot 42 DP 258363, as shown on the attachment to this report.
- 4 Pursuant to section 46 (1) (a1) of the Local Government Act 1993, Council resolves to grant an easement for the construction and maintenance of a community battery site of sixteen square metres over Council land known as Lot F DP 18578, as shown on the attachment to this report.
- 5 The applicant will be responsible for compensation to Council for the grant of the easements.
- 6 The applicant will also be responsible for the creation of the easements including Council's valuation, survey, plan lodgement and legal costs, and any other costs associated with the grant/registration of the easements.
- 7 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

**REPORT AUTHORISATIONS**

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)  
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

**ATTACHMENTS**

- 1 Kundle Reserve Battery Site Plan
- 2 Ribbonwood Centre Battery Site Plan
- 3 Compton Reserve Battery Site Plan
- 4 Cawley Park Battery Site Plan

**BACKGROUND****The Community Battery Scheme**

In conjunction with the Federal and NSW State Government, Endeavor Energy are installing community batteries around sites in the Illawarra Region. Endeavor Energy have undertaken significant consultation with Council with respect to the Community Battery Project, as well as the specific sites identified in this report.

Community batteries store energy from the sun so it can be shared by homes within a neighborhood. Energy is generated by the sun, collected via roof top solar on homes and stored in the battery so it

can be used at night, or when the sun is not shining. Community batteries provide people without roof top solar panels with access to renewable energy. This means people who rent, or do not own their home can participate. Community batteries can lower household electricity costs and reduce the community's carbon footprint. They also reduce pressure on the electricity grid and improve the reliability of the electricity network. This reduces the cost of electricity for all customers.

As at the date of this report, Endeavour Energy has identified seventeen (17) suitable sites for the installation for the community batteries throughout the Wollongong region, four (4) of which are proposed to be located on Council Community Land. Endeavour Energy will continue to seek suitable sites for the community batteries for additional installations.

The Kundle, Ribbonwood, and Compton Site Batteries formed part of Endeavour's Tranche 1 rollout, with the Cawley Site Battery forming part of Endeavour's Tranche 2 rollout.

Endeavor is entitled to enter Council land to conduct the works required to construct the community batteries pursuant to s 45 of the *Electricity Supply Act 1995* (NSW), subject to notification conditions. Council is satisfied that Endeavor Energy has complied with those conditions.

Endeavor Energy have requested easements be granted to them by Council to ensure that they are working collaboratively with Council, ensuring permanent access, and formalising all future entries for maintenance for the batteries located on Council land.

Each parcel of land identified by Endeavor is classified as 'Community Land' and categorised as 'Park' pursuant to the *Local Government Act 1993* ("Act"). Council has limitations on how it can deal with Community Land, in particular to the granting of leases, licenses and other estates. The granting of easements is deemed as "*another estate*" for the purposes of the Act.

Section 46 (1) (a1) of the Act gives Council the power to grant easements over Community Land for the following purpose: *providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider*. Council is satisfied that they are able to grant an easement under s 46(1)(a1) of the Act for the Community Batteries.

As the proposed easements are on community land, Council is required to undergo statutory notification for the proposed granting of the easement prior to granting that easement. That has been undertaken and is addressed in this report.

### **The Batteries**

The Kundle Site battery unit is an Ecojoule 40kVA pole mounted battery bank. It is proposed a single power pole will be installed to hold the battery unit and a single overhead conductor will run between an existing pole in the street overhead powerline to the new pole. This easement location is shown on Attachment 1.

The Ribbonwood Site battery consists of a small 50kW battery bank unit with a separate switchboard control panel. Both the battery and switchboard will be installed on a concrete pad laid at existing ground level and earthing will be localised in accordance with AS/NZS 3000 requirements. There will be some excavation required to install the concrete culvert on which the equipment will be positioned and the underground electricity cables. In addition, a new street pillar and underground cabling will be installed in the footpath of Heining Street to connect the battery to the existing overhead low voltage electricity network. This easement location is shown on Attachment 2.

The Compton Site battery unit is an Ecojoule 40kVA pole mounted battery bank. It is a single power pole will be installed to hold the battery unit and a single overhead conductor will run between an existing pole in the street overhead powerline to the new pole. This easement location is shown on Attachment 3.

The Cawley Site battery is a small 50kW battery bank unit with a separate switchboard control panel similar to the battery shown in the attached photos. Both the battery and switchboard will be installed on a concrete pad laid at existing ground level and earthing will be localised in accordance with AS/NZS 3000 requirements. There will be some excavation required to install the concrete culvert on which the equipment will be positioned and for the underground electricity cable running between the battery and footpath. This easement location is shown on Attachment 4.

All of the proposed easements will have minimal impact upon the public's current use and amenity of the land as they are located in unused parts of the public reserves and are no different in scope or size to existing power poles or transformers across the area.

Council sought a valuation report from Herron Todd White Valuers to assess the amount of compensation that would be payable by the applicant to Council for the grant of the easements in Dapto. The details have been circulated to Council under separate cover.

By granting easements for access over the land, Council will receive compensation for the easement and be able to identify the exact location of the community battery sites which will be recorded in a registered deposited plan. Council will also formalise maintenance and liability obligations of the community batteries to ensure it is not responsible for future maintenance of the batteries by way of the terms of the easements.

## PROPOSAL

It is proposed that Council approve the grant easements of variable width and length, facilitate formal access, construction, and maintenance, over the following properties:

- a) Lot 263 DP 29165,
- b) Lot 16 DP 36010,
- c) Lot 42 DP 258363; and
- d) Lot F DP 18578,

as shown on the attachments to this report.

## CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with;

- Land Use Planning - City Strategy
- Community Land Management – City Strategy
- Heritage – City Strategy
- Environmental Planning – City Strategy
- Community Development Strategy and Projects
- Open Space + Environmental Services Division
- Environment + Conservation Services - Open Space + Environmental Services
- Infrastructure Strategy + Planning Division
- Civil Assets - Infrastructure Strategy + Planning
- Floodplain and Stormwater - Infrastructure Strategy + Planning
- Transport and Infrastructure Planning - Infrastructure Strategy + Planning
- Commercial Operations + Property Division
- Sport + Recreation Division
- City Works Division
- Library and Community Facilities
- Development Assessment and Certification
- Legal Services

No objections to the proposed easements have been received and where advice has been provided, that advice has been addressed by Endeavour Energy.

Council engaged an independent registered valuer, Herron Todd White, to establish market valuation.

Council have conducted Statutory Notice of the proposed granting of the easements over Council's Community land pursuant to the *Local Government Act 1993* which requires publication of the proposed grant of easement on Council's website, letter drop to surrounding residents, and a physical notice/sign being placed on the subject land. No objections have been received to any of the proposed easements.

Endeavour Energy conduct community consultation prior to the installation of the batteries.

### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We value and protect our environment' and Goal 5 – 'We have a healthy community in a liveable city'. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.4 Work together to achieve net zero carbon emissions and reduce waste going to landfill.	Property Services
2.5 Work with partners to facilitate sustainable and green industries.	
4.8 Council's resources are managed effectively to ensure long term financial sustainability.	
5.10 Partnerships continue to strengthen and achieve a safe, accessible and resilient community.	

These disposals are in accordance with Council's *Land and Easement Acquisition and Disposal Policy*.

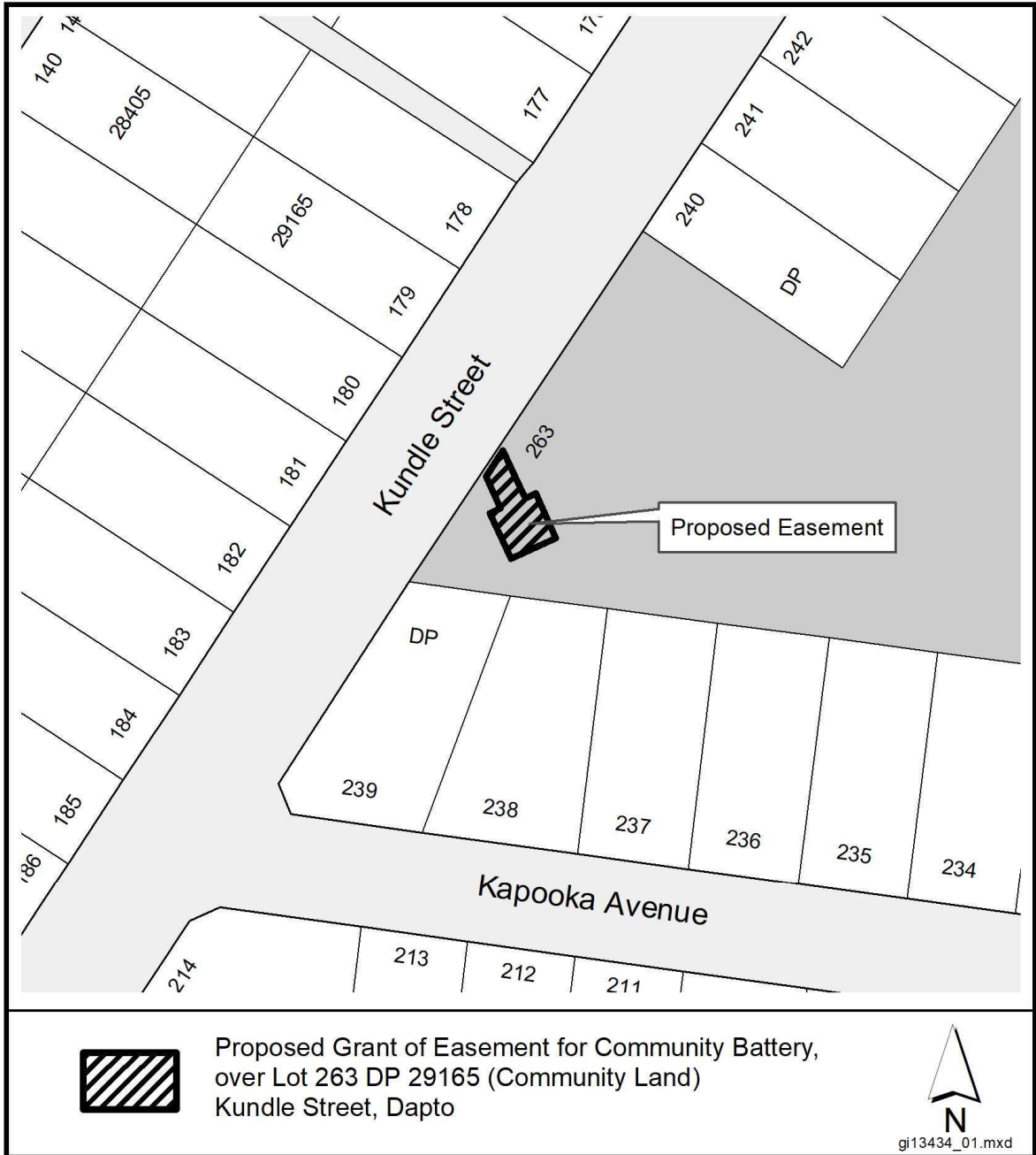
### FINANCIAL IMPLICATIONS

Council will receive compensation for the grant of the easement which is fair and reasonable based on the valuation report obtained.

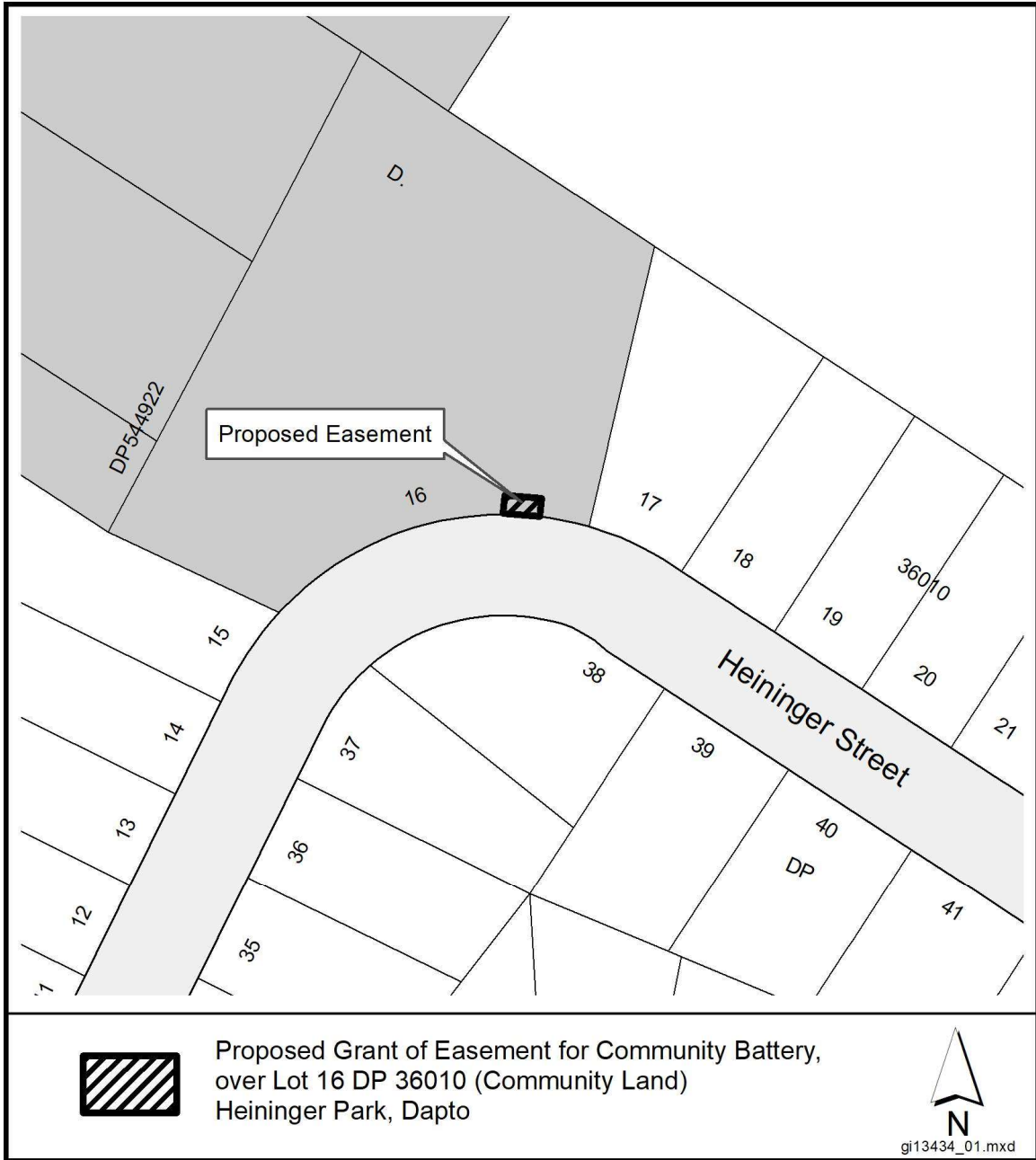
Notwithstanding the above, Endeavour Energy are otherwise entitled to construct and maintain the Community Batteries on Council Community Land without consent under their statutory rights as conferred by the *Electricity Supply Act 1995* (NSW) and the *Roads Act 1993* (NSW) but are offering compensation to formalise the construction rights and access arrangements, and in good faith.

### CONCLUSION

By granting the proposed easements over Council Community Land, Council will receive compensation for the easements (that they may otherwise not be entitled to) and will be able to identify the exact location of the easements and will formalise access, maintenance, and liability obligations of the community batteries. Doing so will also provide a benefit to the community, reduce electricity costs, and lower the carbon footprint of the Wollongong Local Government Area.

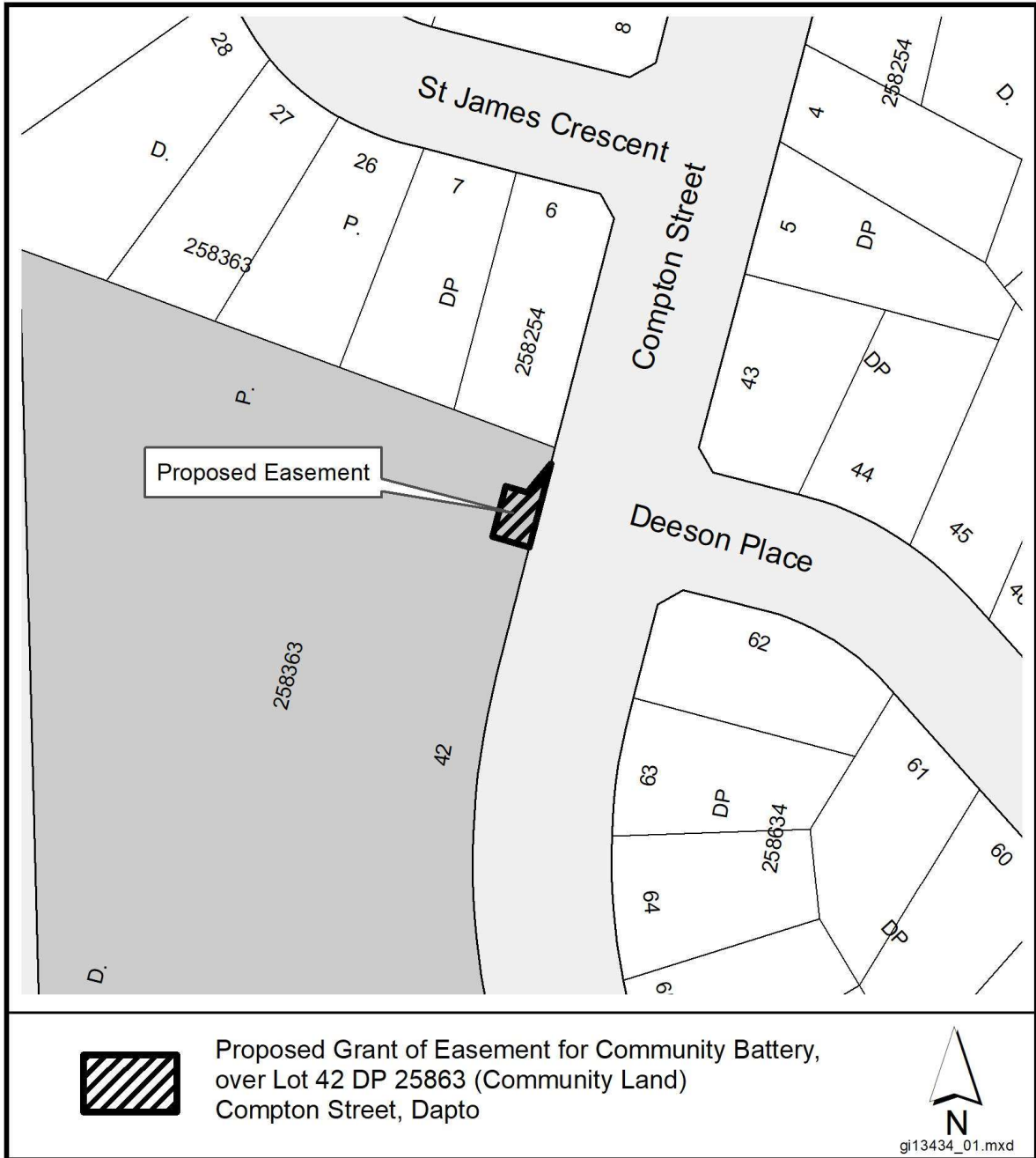


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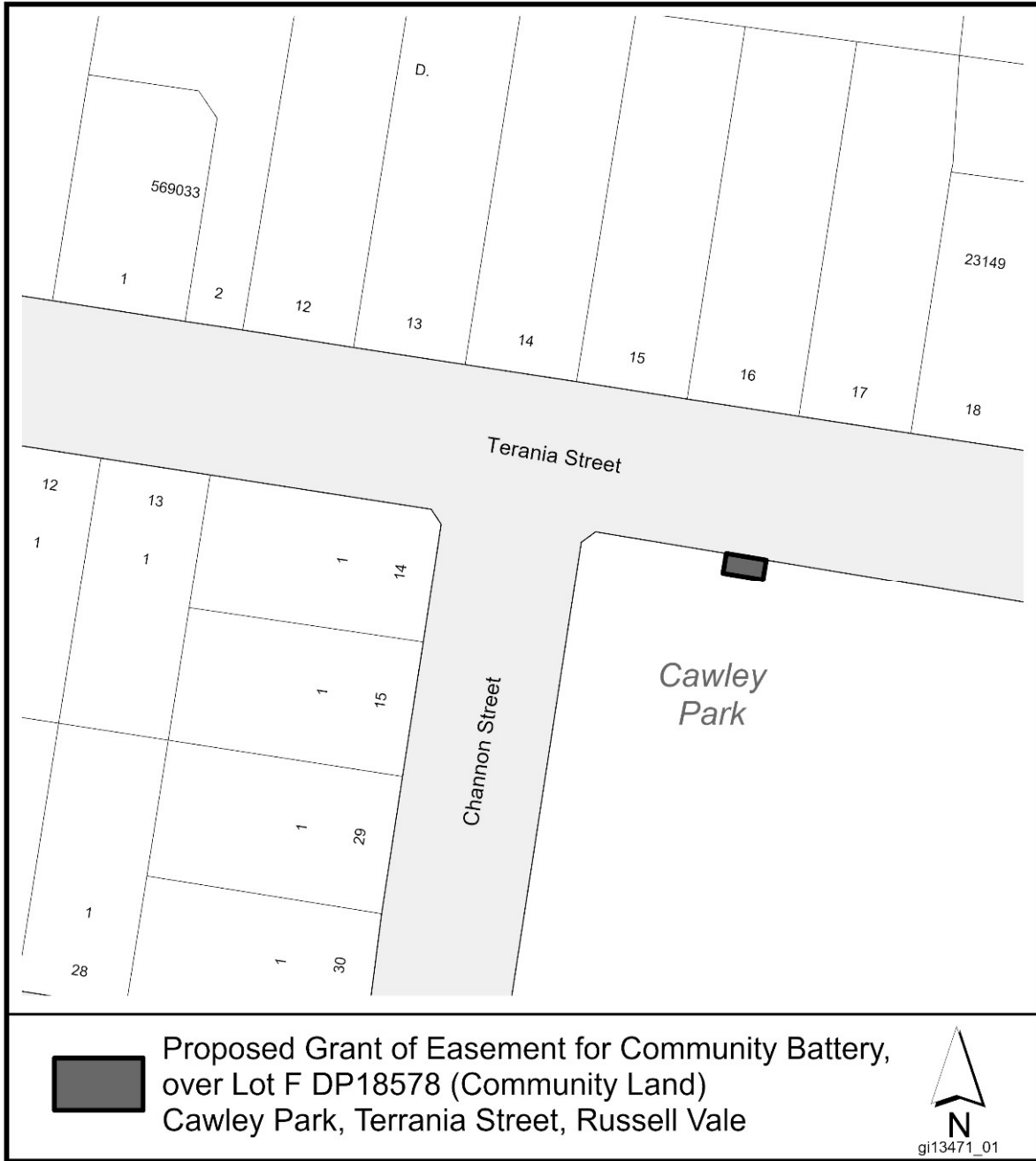


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