

ITEM 8 GRANT OF EASEMENT AT GILMORE PARK FOR COMMUNITY BATTERY

Endeavour Energy has provided Council with notice of its intention to conduct works on Council community land, being Lot 146 DP 7135 (Subject Site) for the installation of a community battery.

Endeavour Energy requires an easement for access and maintenance to be granted over the Subject Site to ensure the longevity and operation of that battery. This report seeks approval from Council to grant the easement at the Subject Site.

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 fifty-nine square metres over Council land known as Lot 146 DP 7135, as shown on the attachment to this report.
- 2 The applicant will be responsible for compensation to Council for the grant of the easement.
- 3 The applicant will also be responsible for the creation of the easement including Council's valuation, survey, plan lodgement and legal costs, and any other costs associated with the grant/registration of the easement.
- 4 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 Gilmore Park Community Battery Easement Site Plan
- 2 Artist Impression Photo of Community Battery

BACKGROUND**The Community Battery Scheme**

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

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.

The Subject Site is the last location in Endeavour Energy's Tranche 2 rollout.

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

Endeavour Energy has requested easements be granted to it by Council to ensure that it is working collaboratively with Council, ensuring permanent access, and formalising all future entries for battery maintenance located on Council land.

The Subject Site, as identified by Endeavour, 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 it can grant an easement under Section 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.

Council has already granted five (5) similar easements for Endeavour Energy to construct and maintain community batteries throughout the Wollongong Local Government Area.

The Subject Site

The community battery will still consist of a 200kW 4-unit battery bank with a separate switchboard control panel similar to the battery shown in the attachment. 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. The easement site location is shown in Attachment 1.

The proposed easement will have minimal impact upon the public's current use and amenity of the land as it is 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. Notably, the proposed battery is located next to an existing Endeavour Energy transformer.

By granting an easement 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. Details of that compensation have been circulated under separate cover. 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 easement.

PROPOSAL

It is proposed that Council approve the grant easement of 4.5 metres wide and 13 metres long, being a total area of 58.50 square metres, to facilitate formal access, construction, and maintenance, over Lot 146 DP 7135 as shown on the attachments to this report.

CONSULTATION AND COMMUNICATION

In preparing this report, Council has 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

Endeavour Energy also conducted community consultation prior to the installation of the batteries.

Council received an objection to the initial location of the easement from a local resident. Following subsequent consultation by Council and Endeavour Energy with the objecting party, it was decided to slightly relocate the battery behind the existing on-site transformer. The objector was agreeable to that relocation and subsequently withdrew their objection.

Although the Subject Site is near a riparian corridor, there is no clearing proposed as part of the works. No concerns were raised by Council's Environment and Open Space teams. Notwithstanding, an Ecological Due Diligence Report was undertaken by an independent certified ecologist as part of the assessment of the suitability of the location by Endeavour Energy which identified no risks with the installation.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2035 Goal 1 'We are a sustainable and climate resilient city' and Goal 3 'We foster a diverse economy, and we value innovation, culture, and creativity'. It specifically delivers on the following:

Community Strategic Plan 2035	Delivery Program 2025-2029
Strategy	Service
1.5 Work together to achieve net zero greenhouse gas emissions, and mitigate the impacts of climate change.	Environmental Services
3.6 We are leaders in sustainable industries and support a transition to a low-carbon and clean energy future	

This disposal is in accordance with Council's *Land and Easement Acquisition and Disposal Policy*.

FINANCIAL IMPLICATIONS

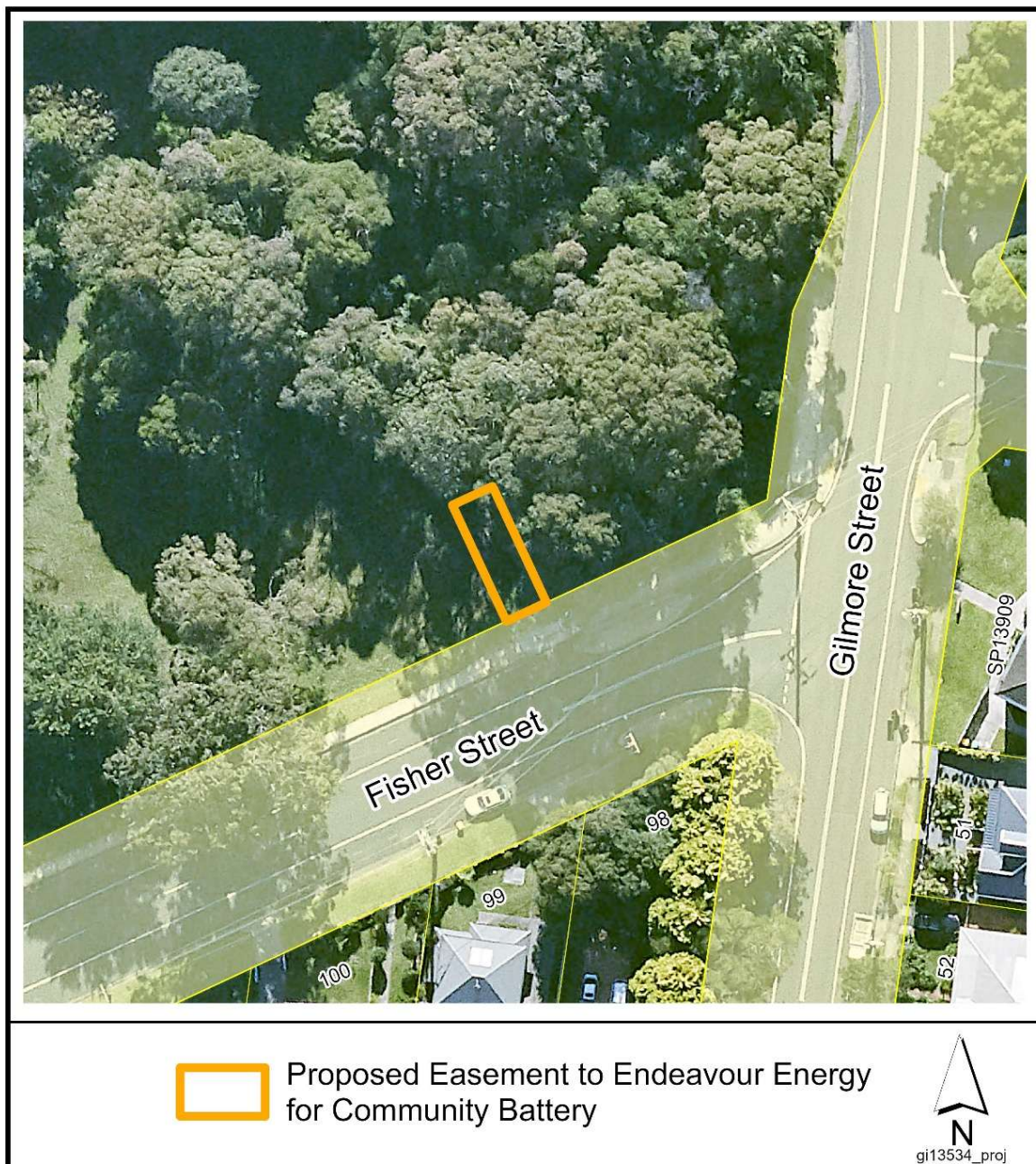
Council will receive compensation for the grant of the easement which is fair and reasonable.

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

Notably, Endeavour Energy has advised Council it will be undertaking construction prior to the easement being registered and, as such, will be relying on the statutory powers provided under Section 45 of the *Electricity Supply Act* to enter the land for the works. Formal notice will be provided to Council closer to the construction date.

CONCLUSION

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



While every effort has been made to ensure the highest possible quality of data, no liability will be accepted for any inaccuracy of the information shown.
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Artist Impression of Ground Battery on Site

