



# WALCHA COUNCIL

## ADMINISTRATION POLICY

### DRAFT Renewable Energy Community Benefit Policy

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#### Applicability

All Councillors and Council Staff

#### Publication Requirement

Internal and External

#### Assigned Responsible Officer

General Manager

#### Document Status

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#### Amendment Record

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## 1. PLANNING AGREEMENTS

Walcha Council will use the Planning Agreement provisions of the *Environmental Planning & Assessment Act, 1979* (EP&A Act) to deliver the objectives of the Policy.

S 7.4(1) of the EP&A Act states: A voluntary planning agreement (VPA) is an agreement between Council and a developer, who has made, or proposes to make, a development application, under which the developer is required to dedicate land free of cost; pay a monetary contribution; provide any other material public benefit to be used for or applied towards a public purpose.

Planning Agreements may be formulated with direct reference to, or in consideration of, this Policy. However, this Policy does not bind Council or otherwise prevent Council from entering into Planning Agreements that do not strictly adhere to the Policy, should the Agreements otherwise provide alternative and equivalent community benefit, and are supported by the community.

Where there is a disparity between the conditions of a developer VPA and the requirements of this Policy (which may change over time), the VPA will be adhered to.

## 2. LEGISLATIVE CONTEXT

Section 1.3 of the EP&A Act provides legislative basis for the Policy.

Subdivision 2 of the EP&A Act provides the legislative basis for planning agreements.

## 3. OBJECTIVE

The Renewable Energy Community Benefit Policy will support the promotion of benefit sharing strategies associated with the development of State Significant and Regionally Significant renewable energy projects in the Walcha Council Local Government Area that:

- Secure off-site benefits for the community so that renewable energy development delivers a net community benefit;
- Ensures that the wider community shares in the benefits resulting from renewable energy development in the Local Government Area; and
- Ensures that the costs and benefits of renewable energy development will be equitably distributed within the community and inter-generationally.

The Renewable Energy Community Benefit Policy will be updated as needs so that it is suitable to deliver on Walcha Councils Community Strategic Goals and provides clear expectations to renewable energy developers.



## 4. COMMUNITY BENEFIT

Community benefit excludes that which is required to mitigate adverse impacts of development including, but not limited to, host and adjoining landowner payments required to obtain consent or prescribed by legislation, or acute impacts to Council assets e.g. damage to local road infrastructure.

The public purpose that funds will be applied to includes works to embellish public spaces, the provision of spaces for public recreation and community facilities, initiatives to support affordable housing and/or development activity, works to rehabilitate or conserve biodiversity values, new community infrastructure, support of local volunteer or community group activities or some other public purpose if the Council reasonably considers that the public interest would be better served by applying the funds towards that purpose.

Community benefit does not include using funds as a financial off-set or subsidy to Council operational activities whereby a direct link from the funds to the prescribed community benefit cannot be defined. For example, the funds could be used to implement new infrastructure at the Walcha Memorial Baths, but could not be used to off-set operational losses of the facility.

## 5. GOVERNANCE AND INTER-GENERATIONAL EQUITY

Council will ensure a governance structure that as far as possible reflects the needs and concerns of the immediate communities of impact and the broader Local Government Area to assist with determining the public purpose for funds.

A Community Benefit Advisory Committee will provide advice to Council on the projects to which community benefit funds may be allocated. While project proposals and community initiatives may come from any source, the Community Benefit Advisory Committee will have the opportunity to provide feedback and/or endorsement for any and all uses of the Community Benefit Fund.

Developer representatives from where the community benefit funds are derived will not form part of the Committee, but will have the ongoing opportunity to present to the Committee in regards to specific projects or initiatives, and have access to recommendations and minutes which will also be made public.

Council have the final say in regards to the use of the funds. The Community Benefit Advisory Committee have no delegated authority to spend monies from the Community Benefit Fund and can only advise on its use to Council.



## 6. COMMUNITY BENEFIT FUND

The financial value of community benefit will vary from project to project and over time, however, the minimum community threshold for Walcha Council will be based on the NSW Government's Benefit Sharing Guidelines for renewable energy.

Funds will be kept as externally restricted funds, and the use of funds from individual developer contributions, or other sources, will be monitored and form part of the annual reporting process, such that the specific funding breakdown for each community project or initiative is clear.

Council will manage funds to ensure that they benefit future generations as well as the present generation, and that ongoing depreciation and maintenance costs, or any other unforeseen impacts, are taken into account for project proposals.