



BERRIGAN SHIRE

BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



Renewable Energy Community Benefit Framework

Adopted 19 June 2024

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1. Introduction

The objectives of the Renewable Energy Community Benefit Framework (Framework) are to promote benefit sharing strategies associated with the development of state significant and regionally significant renewable energy projects in the Berrigan Shire Council Local Government Area (LGA) that:

- secure off-site benefits for the community so renewable energy development delivers future sustainable net community benefit,
- ensure the wider community shares in the benefits resulting from renewable energy development in the LGA,
- ensure the costs and benefits of renewable energy development will be equitably distributed within the community and inter-generationally and
- ensure community benefit outcomes are determined through appropriate governance processes which include community representation.

2. Legislative and Regulatory Framework

Section 1.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative basis for this Framework. Subdivision 3 of the EP&A Act provides the legislative basis for planning agreements.

3. Planning Agreements

Berrigan Shire Council (the Council) will use the planning agreement provisions of the EP&A Act to deliver the objectives of this Framework. A planning agreement is a voluntary agreement between Council and a developer, who has made a development application, under which the developer is required to dedicate land free of cost, pay a monetary contribution, and / or provide any other material benefit to be used for, or applied towards, a public purpose.

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.

The financial value of community benefit will vary from project to project, however, the minimum community benefit threshold for the Council is:

- \$890 per megawatt per annum for solar energy development for the life of the development (including future modified or recommissioned projects),
- \$1,097 per megawatt per annum for wind energy development for the life of the development (including future modified or recommissioned projects), and / or
- \$890 per megawatt of capacity for energy storage developments (including pumped hydro).

Note: Amounts above are in 2024 dollars and will be adjusted annually for CPI.

Projects that do not deliver community benefits above this threshold are likely to be considered not in the public interest.

Developers who demonstrate involvement with and for the community will be encouraged against those who show no such incentives. Council requires developers to be responsible members of the community (eg support an ongoing workforce, disincentives for “fly in fly out” or “bus in bus out” practices, landscape rehabilitation is incorporated into projects).

5. Public Purpose

The public purpose that funds will be applied to include works to:

- upgrade public spaces,
- provide spaces for public recreation and community facilities,
- provide of affordable and / or key worker housing,
- rehabilitation or conservation of biodiversity values,
- options to improve energy efficiency,
- community batteries,
- low cost electricity deals to allow local use of renewable energy,
- low cost electricity deals for local manufacturers and supply chains, or
- some other public purpose if the Council reasonably considers the public interest would be better served by applying the funds towards that other purpose.

6. 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 region to assist with determining the public purpose for funds.

Council will manage funds to ensure they benefit future generations as well as the present generation.

7. Related Legislation, Policy and Strategies

7.1. Legislation and External Guidelines

- *Environmental Planning and Assessment Act 1979*
- [Draft Benefit Sharing Guideline](#) (Department of Planning and Environment)
- [Draft Energy Policy Framework](#)

7.2. Council Policies and Guidelines

- Local Strategic Planning Statement 2020-204
- Local Environment Plan

- Development Control Plans
- Town Masterplans

8. Records Management

All Records must be kept in accordance with Council’s Records Management Policy and destroyed as per the General Retention and Disposal Authority: [Local Government Records \(GA39\)](#).

9. Review and Evaluation

This framework will be reviewed by the Chief Executive Officer annually. It will be evaluated and reviewed by the Council every four (4) years or as required.

10. Document Availability

A number of legislative instruments require Councils to have the policy available for inspection at Council’s principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council’s principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council’s website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council’s principal office (address noted below) and are subject to Council’s Fees and Charges.

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11. Version Control

Version Number	Date	Summary	Responsible Officer
1.0	19 June 2024	New framework	Chief Executive Officer