Submission No 64

INFRASTRUCTURE FOR ELECTRIC AND ALTERNATIVE ENERGY SOURCE VEHICLES IN NSW

Organisation: Southern Sydney Regional Organisations of Councils (SSROC)

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Ms Lynda Voltz MP
Chair
Committee on Transport and Infrastructure
NSW Parliament

Email: transportinfrastructure@parliament.nsw.gov.au

Dear Ms Voltz

Inquiry into infrastructure for electric and alternative energy source vehicles in NSW

The Southern Sydney Regional Organisation of Councils (SSROC) welcomes the opportunity to provide this submission to the Inquiry into infrastructure for electric and alternative energy source vehicles in NSW.

SSROC is an association of twelve local councils in the area south of Sydney Harbour, covering central, inner west, eastern and southern Sydney. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member councils cover a population of about 1.8 million, one third of the population of Sydney, including Australia's most densely populated suburbs. SSROC seeks to advocate for the needs of our member councils and bring a regional perspective to the issues raised.

SSROC and its member councils have a strong interest in electric vehicles (EV) charging infrastructure. In 2023 we developed a report on regional approach to Electric Vehicle Charging Infrastructure (EVCI) (EVCI), and have since developed model objectives and clauses for EV development control plan (DCP).

This submission is organised around three of the five key terms of reference, that are relevant to local government, namely:

1. Funding and location of electric chargers or infrastructure for other potential energy fuel sources

2. Use of existing infrastructure and measures to ensure a competitive market, including 'ring fencing' policies

3. Any other related matters

1 Funding and location of electric chargers or infrastructure for other potential energy fuel sources

NSW and Sydney in particular, are currently in the process of unprecedented shift to electric vehicles and SSROC supports this trend as part of the broader shift to achieving the Net Zero target. Increased availability of sufficient EV charging infrastructure is critical to this transition. Our member councils' General Managers and CEOs established an SSROC EV Charging Infrastructure project to help our member councils respond more effectively to these changes. The

project has already delivered Electric Vehicles Development Control Plan (EV DCP) provisions for residential and non-residential developments.

SSROC is committed to engaging with the State Government and agencies for good outcomes for the state, councils and the community as the take up of electric vehicles increases and the demand for charging infrastructure rises in coming years.

Issues and suggestions on funding and location of electric chargers are briefly discussed below.

1.1 Councils and EV transition

The funding and delivery model should be approached carefully. Councils are not energy/fuel suppliers. Managing EV infrastructure introduces unfamiliar technical, legal, and financial responsibilities for councils. SSROC strongly recommends that councils be consulted in the design of grants to ensure alignment with local capacity and policy objectives.

During consultations on the SSROC regional approach to EV charging infrastructure, it became clear from council officer consultation that many SSROC member councils would prefer to be enablers of EV charging infrastructure rather than providers. While the cooperation and involvement of councils are important in the early stages of EV infrastructure rollout, in the medium and long term, increasing emphasis should move to private sector Charge Point Operators (CPO) and infrastructure suppliers, in consultation and collaboration with local councils.

Councils could potentially play key roles to ensure that the rollout of charging infrastructure is strategic, efficient, and equitable.

Councils specifically, could:

- by screening out locations where future development is planned (e.g. bike lanes, kerb and guttering works),
- strategically guide investment from the private sector and funding from Federal and State government to ensure there is comprehensive coverage,
- support community consultation on proposed sites with signage, letter-box drops and interactive ‘Have Your Say’ web pages,
- where appropriate, facilitate Council’s Traffic Committee approvals to allow for designated EV parking while charging.

1.2 Public land considerations and impact on streets and residents

Councils have concerns about dedicating valuable public land for EV chargers, especially in high-demand urban areas. There are also concerns about the longer term, legacy issues including responsibility, cost and liability such as:

- Maintaining line marking and signage in parking spaces dedicated to EV charging,
- Dismantling and disposing EV charging infrastructure, particularly as technology will inevitably move on,
- Liability for any accidents such as tripping over charging cables,
- Removal or relocation of a charger should a conflicting, higher priority need for the kerbside space arise,
- Managing compliance with any parking restrictions.

Kerb-space is a premium community asset and at best, only minimal kerbside charging should be deployed. Most EV charging occurs at home, and other more practical locations include at work, or at high-visitation destinations, particularly shopping centres. This will reduce current and future conflicting uses and disputes over the kerbside. Charging on private property should be promoted as much as possible (as existing petrol and diesel stations are). Subsidies to accelerate the take-up should therefore be made available for apartment retrofits, public carparks and shopping centres to help create a healthy market.

EV charging is a land use issue and hence the need to understand and appreciate the surrounding land use and competing land use claims. Aesthetics and streetscape are a factor in determining the type of chargers. While proposed small, slow, pole-mounted chargers arguably have a low impact on the public domain, kerbside chargers should not be permitted without due consultation and public acceptance, especially if they increase in size.

1.3 Planning and strategic alignment

Multi-Unit Dwellings (MUDs) and Strata pose unique challenges for EV infrastructure. There are challenges in retrofitting EV infrastructure in strata properties: fire safety, insurance company concerns, access for people with disabilities, and distance from existing electrical infrastructure.

In SSROC's model objectives and clauses for EV DCP, SSROC recognises that the provision of electric vehicle charging equipment in building developments encourages and supports the electrification of vehicles. The SSROC EV DCP provisions are:

- provide supporting electrical infrastructure to facilitate residents, occupants, contracted car share companies and visitors of buildings to charge their electric vehicles.
- provide the electrical infrastructure required to facilitate increased future usage of electric vehicle charging equipment in allocated parking spaces.

The document has been shared with many councils in greater Sydney. The model DCP is important for consistent planning and approval processes for EV charging infrastructure. This or any similar model objectives and clauses in the EV DCP should be promoted by State Government across metropolitan and regional areas.

- Will installations on private land, kerbside and public carparks have the potential to create stranded assets, where the costs of decommissioning and removal then flow back to general electricity users?
- Our urban environments are becoming more dynamic and changing all the time: will councils be able to require the removal of EV charging equipment without compensation being paid?

1.4 Street light poles

Many Ausgrid-owned poles that support streetlights are funded by councils. If these poles are used to mount EVCI (or any other commercial infrastructure), SSROC would very strongly urge a revenue-share arrangement in alignment with Council leasing and licensing criteria, for the use of the council-funded pole and this should be covered in any scheme for pole-mounted commercial infrastructure, including EVCI.

1.5 Site selection criteria

SSROC welcomes the development of NSW Electric Vehicle Public Charging Master Plan by the NSW Government that identifies optimal and priority zones that are ideal for public EV fast charging stations across metropolitan and regional NSW. It is helpful that the plan has information on "the current and planned future network of public EV fast chargers in NSW". SSROC recommends that councils be consulted or engaged with on the plan.

SSROC would support State level uniform site selection criteria for EV charging spaces for metro and for regional areas. These criteria should include the need for council agreement to the use of the site where it is on public land.

Unified signage and linemarking across the State for dedicated EV charging spaces would save a lot of duplication of efforts by councils and will provide EV owners uniformity when seeking EVCI.

1.6 Flexible and adaptable funding

Funding should be more flexible and adaptable to provide the flexibility required for councils in metro and regional to meet their unique circumstances. The Australian and NSW Government should be more involved in funding and incentivising EV charging infrastructure until the market is sufficiently effective to support new private investment.

There needs to be genuine engagement with councils on options to facilitate the provision of kerbside EV charging. Improved consultation between State and Local governments is also important, particularly awareness of local council processes and limitations associated with council approvals.

1.7 Incentive for private carpark owners to offer more EV charging, in collaboration with councils

There is a role for private car park owners in meeting the EV charging infrastructure needs in metropolitan Sydney. The NSW Government would need to consider approach to promote more EV charging infrastructure in private parks, such as shopping centres.

An example is the joint Randwick, Waverley and Woollahra councils' *Leading the Charge: The Eastern Suburbs Electric Vehicle Infrastructure Strategy 2023* that showed there was need for more EV charging, to meet the growing demand for EVs.

Arguably, the most efficient locations for new EV charging infrastructure is in existing buildings where drivers already park the vehicles for extended periods of time. These buildings already have established electrical cabling and infrastructure, structures to mount EV chargers (walls, columns) designated parking and security.

The lack of interest from private carpark owners to install EV charging raises concern and reveals existing gap in EV charging infrastructure. For example, there is no significant EV charging facilities in Westfield Shopping Centres, despite them being ideal places for charging infrastructure. Across the LGAs of Waverley, Woollahra and Randwick only 10% of publicly accessible EV charging is provided by private carparks while 90% is on-street and in public carparks. Incentives for private carpark owners to offer more EV charging would greatly improve the availability and coverage of charging.

1.8 EV charging infrastructure, public domain and changes to NSW Planning Legislation

SSROC in November 2024 wrote the Minister for Planning regarding changes to State Environmental Planning Policy (Transport and Infrastructure) Amendment (Electric Vehicles) 2023 and possible review of 2.124B (Development permitted with consent - residential premises). The SEPP confers new development rights and responsibilities for business corporations and residents using EV charging infrastructure, and this could be at the expense of the wider community interests, neighbours and the effective functioning of the public domain.

The need for changes to s2.124B are presented in the sections that follow below and the purpose is to make the SEPP implementable in ways that align with the intent of the instrument, while also avoiding unintended consequences for councils and the community.

1.8.1 Private use of public domain

The use of the kerbside by residents for the installation of private chargers may lead to neighbourhood conflict over effectively exclusive use of parking bays by those residents with chargers, particularly in areas with high parking demand where it is difficult to park in front of their own homes.

The SEPP will encourage ongoing use of public on-street car parking for private purposes and lead to several pressures on local councils. These pressures include, for example to:

- implement and operate a permit or licence system,
- periodically audit private kerbside installations
- seek and fund legal advice on permanent private EV interface controller liability and risks

- lease or license spaces to individuals for private EVCI
- respond to any conflict between the private EVCI installation and other services in the road or kerbside.

1.8.2 Equity and conflict of interest concerns

The SEPP will promote inequity and conflict of interest in private use of public assets such as roads, footpaths and car parks. It creates a situation where an individual who owns land adjoining a public road can install and have exclusive use of EV charging facility on public land. This does not deliver public value for that public domain. In many parts of the Eastern Suburbs, CBD and Inner West, it is uncommon for a resident to regularly get a parking spot outside their property.

1.8.3 Liability and insurance for electric vehicle charging facilities

There is an unresolved dilemma on liability for the private EV charging facilities on public land, including insurances, maintenance and removal of facilities when they are no longer needed. What level of insurance would the resident be required to hold, and would they be requested to create a positive covenant? The SEPP does not identify who would be liable for any accident caused by or damage to the private EV charging facilities on public land.

Councils are highly unlikely to accept any liability for those facilities. Consultations with councils and community on this matter are necessary. Mechanisms such as requiring the owner of EV facility to allow for the registration of a positive covenant obliging them to keep the charger in good repair could be considered.

1.8.4 EV Charging technology

Clause 2.14B (1) (c) allows only for underground cabling such as Kerbcharge. There are other options such as channel charging https://www.kerbocharge.com/. It is unclear whether channel charging is underground and consistent with clause 2.14B (1) (c).

SSROC urges the NSW Government to address the concerns of Councils in the SEPP review so that EV charging infrastructure does not constitute unnecessary liability for Council and community and conflict with the stated policy intent of increasing EVs uptake.

2 Use of existing infrastructure and measures to ensure a competitive market, including 'ring fencing' policies

Subject to place specific considerations, such as location of EV charging infrastructure, SSROC is open to the view that increased asset utilisation can be beneficial as long as that existing infrastructure has the capacity for EVCI load.

There is also an opportunity to manage that load by setting charging pricing at different rates to incentivise or disincentivise usage at low and peak times respectively. This would depend largely on collaboration involving NSW Government, industry, CPOs and electricity retailers.

The Australian Energy Regulator (AER) imposes ring-fencing on Distributed Network Service Providers (DNSP) to promote competition in the electricity services market. In the context of EVCI, it limits the role that a DNSP can have in the sector to services that cannot be offered by any suitably qualified electrical contractor.

DNSPs can lease out space on their assets like poles and substation kiosks for a fee for third parties such as EVX, JOLT and Intellihub to install their chargers. We understand that the Ausgrid network (which extends across southern and northern Sydney and up to the Central Coast and Hunter) currently hae fewer than 100 pole mounted kerbside chargers on its network and little commercial volume planned.

The three NSW DNSPs are pursuing a DNSP-led roll-out of EVCI. As SSROC understands it, the proposed model is for DNSPs to own and maintain (but not operate) the hardware for kerbside pole mounted EVCI, with plans for 11,000 kerbside EVCI across Ausgrid's network area by 2030.

We understand that this is an acceptable ring fenced activity because it:

- Improves access to EVCI, by installing chargers in locations that are not sought by the market of CPOs, which target more commercially viable locations for their and government-funded kerbside chargers,
- Does not seek to compete with fast charger market
- Opens use to any CPO, expanding their existing charging networks as the chargers would be an extension of the existing distribution network thus a standard electricity tariff (similar to existing small business or residential DNSP tariff charges) would apply for use .i.e. no leasing access payment
- Can easily leverage existing consumer protections for the assets reliability standards and guaranteed service levels.

SSROC is broadly supportive of the widespread deployment of EVCI, and therefore supports this initiative to that extent. However, councils a range of reservations about the approach:

- The initiative will need to be regulated to ensure that it operates in accordance with ring fencing requirement and does not creep into competition with other service providers.
- Pole-mounted kerbside chargers in our region's most densely populated suburbs will be likely to result in local neighbourhood conflict where parking is very limited.
- Councils would prefer to be consulted over the locations of the EVCI, in order to highlight any likely issues arising, or potential kerbside use conflicts.
- There is an opportunity for data-sharing with councils, to inform EV, net zero, transport and planning. Councils are concerned that DNSPs will deem the data commercial-in-confidence and therefore not share with councils.
- EV technology is quickly evolving, and infrastructure installed in 2013 in the United Kingdom is already being replaced with higher capacity charging units[1]. It is not clear what Ausgrid's plan is for the future of this EVCI.
- There is no clarity around responsibility for eventual removal of the unit, which should lie with Ausgrid, or about liability for any accidents associated with the EVCI such as tripping over the charging cable on public land.

SSROC recommends that councils participate in decision-making about any infrastructure located in the public domain in their areas and suggests a range of principles that councils would need to adhere to when making decisions regarding electric vehicles charging infrastructure:

- Design of charging units should be best fit for the location including consideration of safety, frontage uses, visual amenity, streetscape, heritage
- EVCI's design and location needs to be suitable for drivers with mobility disability
- All sites subject to a traffic assessment including impacts on pedestrians and cyclists
- If the charger is equipped with a charging cable, it should be self-retracting, should not result in a trip hazard and should be brightly coloured, high visibility
- Visual impact should be minimal and the unit should not reduce the amenity of the surrounding environment or neighbourhood
- The DNSP-led model proposal should include appropriate community consultation.

3 Other related matters

The importance of State Government or industry led collaborative model(s) that take into consideration council concerns and opportunities cannot be overemphasised. Councils are more likely to be supportive of EV charging infrastructure models that responsively address:

- local residents, local business and work-related EV charging needs and demand and EV charging points supply.
- private investment, competition and innovation.
- addresses barriers to charger rollout, including power connections and tariffs.
- brings together all stakeholders, including Councils, DNSPs, CPOs and Govt.

[1] Simon Swan, Arcadis Global Solution Director for New Mobility. Presentation at Committee for Sydney event in 2023. Accelerating Sydney's EV Infrastructure.

SSROC area has one of the most densely populated urban suburbs in Australia. While density varies across our region, the City of Sydney, eastern suburb councils and inner west are among the most dense and have peculiar challenges regarding EV charger points. These challenges are also applicable to other councils in Sydney.

Issues and challenges of public domain, investment uncertainty and operational matters are outlined in Appendix 1.

Design Considerations

The SSROC's EV report, *Regional Approach to Electric Vehicle Charging Infrastructure*, June 2023 examined charging unit design considerations and these are outlined at Appendix 2.

Conclusion

Thank you for the opportunity to contribute this submission on the Inquiry into infrastructure for electric and alternative energy source vehicles in NSW.

In order to make this submission within the timeframe for receiving comments, it has not been possible for it to be formally reviewed by councils or to be endorsed by the SSROC. I will contact you further if any issues arise as it is reviewed.

If you have any queries, please do not hesitate to contact me or Dr Vincent Ogu, SSROC Program Manager on 8396 3800.

Yours faithfully

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Chief Executive Officer
Southern Sydney Regional Organisation of Councils (SSROC)

Appendix 1 Issues and challenges of public domain, investment uncertainty and operational matters

Land availability	
Limited access to off street parking	• High land values, unfavourable lease arrangements and the limited availability of suitable sites in appropriate locations can be prohibitive to off street charger investment. • With more than 60% of Eastern Suburbs residents living in apartments or townhouses and more than 50% renting, many residents will be forced to rely on public charging infrastructure.
Ability to secure suitable EVCI locations - competing demands and limited land availability	• Space for private vehicles on streets is already in high demand and much of it is required for bus lanes, cycle lanes, parking facilities, loading/unloading or access. • Many streets are unsuited to current charging types equipment owing to narrowness, traffic restrictions and the size of the charger and cables.
Installing new charge points can be a long and complex process	• The installation a new EVCI requires site suitability assessments, planning approval, Ausgrid approval and Traffic Committee approval (for kerbside chargers). It is not a simple and straightforward process.
Cost of energy grid upgrades	- The peak demand is already at capacity in many locations and upgrades to the electrical supply can be costly.
Investment uncertainty	
Lack of confidence in the availability of convenient charge points	• Concerns that chargers are not readily available, often already in use or out of service.
Drivers find the experience of charging confusing and complicated	• Customers' experiences of using different charge stations vary from poor to excellent. • There is poor interoperability between EV charge points and charge point providers, creating confusion around which chargers drivers can use and how much they can expect to pay.
Operational use	
Uncertainty about what type of charge point is needed, concerns about obsolescence	• Reluctance to invest until there is more confidence in EVs, availability of EVCI, and charging models. • Ongoing advances in technology raise concerns that what is installed now will quickly become obsolete. • Upfront capital costs and initial low numbers of users mean that it can take a few years before charging is profitable, which is compounded if the type and location are not effective.

Source: Stakeholder consultations by Randwick, Waverley and Woollahra Councils.

Appendix 2 EVCI Design Considerations

Design Consideration
Location-specific design Design of charging units should be best fit for the location including consideration of safety, frontage uses, visual amenity, streetscape, heritage, pedestrian and cycle activity etc Charging units design and location needs to be suitable for drivers with mobility disability.
Safety All sites subject to a traffic assessment including impacts on pedestrians and cyclists.
Uniformity of network apps Wherever possible the apps should provide potential users with diversity of choice including different levels of charging, locations and ideally all networks within the LGA or region.
Interactive apps The app should be fully interactive providing information on availability, serviceability and the ability to book spaces in advance.
Charging cord management Charging cords should be self-retracting, should not result in a trip hazard and should be brightly coloured for high visibility.
Automatic enforcement The charging units and software should not require Council to enforce use or overstay. Mechanisms could include fee structures which penalise overstay or parking without charging, and number-plate recognition could identify non-EVs parked in the charging spaces.
Visual impact Visual impact should be minimal. EV charging units should not reduce the amenity of the surrounding environment /neighbourhood.
Identification of the charging units The units and associated spaces, including wayfinding and space marking, should be uniform across all networks in the LGA/region or State.
Dynamic pricing Dynamic pricing should be included to encourage use of the chargers outside peak demand periods.
Community consultation All proposals should include appropriate community consultation.