



POLICY NO.	CPES1
POLICY TITLE	Electric Vehicle Charging Infrastructure (EVCI) Policy
STATUS	Council
SERVICE	Infrastructure and Environmental Sustainability
DOCUMENT ID	741329

POLICY STATEMENT

Residents of Hunter's Hill Council rely heavily on vehicle travel. Road transport accounts for 19.6% of all our community greenhouse gas emissions and 58.5% of employed residents travel to work in a private vehicle either as a driver or passenger (ABS 2016 data is cited as Covid lockdowns during the 2021 Census skew the data).

This Policy defines Council's role and standards for electric vehicle charging infrastructure (EVCI) to be installed on Council Land within the Hunter's Hill Council LGA.

This Policy sets out how Council as landowner may permit, in some circumstances, commercial EVCI on public land. Council seeks to facilitate the creation of a network of EVCI in Hunter's Hill Council LGA so that charging is available for residents, businesses and visitors.

The provision of EVCI on Council Land must be fair and equitable to the extent possible. This includes:

- a. Seeking to provide universal charging facilities, or reasonable provision, made for the adaptation of the infrastructure to support all types of EVs;
- b. Undertaking an assessment of the public benefit of any proposal made to Council by an external Provider; or
- c. Seeking to regulate any use of EVCI for a particular vehicle, group of users or any other use.

PURPOSE

The purpose of this Policy is to:

- a. Provide criteria for the provision, installation, management, maintenance and decommissioning of EVCI on Council Land in the Hunter's Hill Council LGA, in addition to any requirements in respect of planning approvals; and
- b. Establish the principles and procedures for anyone seeking to install EVCI on Council Land.

This Policy applies to all publicly accessible EVCI installed on Council Land where proprietary permission is required, whether installed by Council or third-party Providers (likely: charge point operators (CPOs) but may include individuals). It does not apply to the provision of EVCI on private land.

This policy should be read in conjunction with planning provisions in the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2, Part 2.3, Division 17 Roads and Traffic, Subdivision 3 Electric Vehicle Charging Units (**TISEPP**). The TISEPP allows for the installation of EVCI with development consent, without consent or as exempt development under the *Environmental Planning and Assessment Act 1979*. The planning provisions are separate to any requirement for proprietary permission to enter and use Council Land.

COUNCIL'S COMMITMENT

Council is committed to assisting the community to reduce emissions. As of March 2024, Hunter's Hill Council had the sixth highest EV ownership rate in NSW. With 40% of total residential dwellings being medium or high density (ABS 2021), Council recognises the need to advocate for and support the provision of EVCI that will enable further EV uptake within the community for residents of all dwelling types.

SCOPE

This Policy applies to all publicly accessible EVCI installed on Council Land, whether installed by Council or third-party Providers (including CPOs and individuals). It provides the overriding direction for the provision of public EVCI across Hunter's Hill Council LGA for residents, businesses and visitors.

1. Applicable locations

This Policy applies to any EVCI in the Hunter's Hill Council LGA proposed to be installed on Council Land. This includes, but is not limited to, operational land, community land, land controlled and managed by Council, i.e. some Crown Land, road reserves, facilities and assets (including street furniture), on-street parking bays and parking on Council Land or facilities.

2. Applicable persons

This Policy applies to any legal or actual person, business or organisation proposing to install, own or operate EVCI on public land.

3. Types of EVCI

EVCI includes charging services for private, commercial or public charging.

PROVISIONS

Council shall ensure all team members have access to, and awareness of, the Policy and its objectives.

PSYCHOSOCIAL HAZARDS

On 24 February 2020, Council passed a resolution declaring a climate emergency, calling for a greater response to our changing climate.

Enabling a rapid uptake of EVs is one of the most effective ways to reduce community emissions that can slow climate change.

Climate change is recognised as the greatest health threat of the 21st century and has significant impacts on physical and mental health and psychosocial wellbeing. In August 2024, a report released in Canberra by the group 'Doctors for the Environment', detailed the significant and expansive human health risks of fossil fuel pollution that is associated with killing more people per year than smoking.

Building a community's resilience and providing tools for citizens to make proactive behaviour changes are critical strategic pathways available to Local Government in managing the psychosocial risks of a changing climate.

DEFINITIONS

In this Policy the terms below have the following meanings.

Term	Definition
Climate change	Long-term shifts in temperatures and weather patterns (storms, floods, heatwaves). Since the 1800s, human activities have been the main driver of climate change primarily due to burning of fossil fuels (coal, oil and gas).
Council Land	All land owned, managed and controlled by Council within the Hunter's Hill Local Government Area including, but not limited to, Public Land, Public Road, some Crown Land and other land controlled by Council.
CPO	Charge Point Operator – the organisation who owns, operates and services charging infrastructure.
Crown Land	Land held by the NSW Government on behalf of the public, for the benefit of the community. The government and the community work in partnership to manage the Crown Estate. Much of this land is managed under leases and licences.
Electric Vehicles (EV)	This Policy uses the term EV as an umbrella term that includes any type of vehicle that is powered by electricity. For the purpose of this Policy, EVs include (but are not limited to) electric cars, electric buses, electric trucks etc.
EVCI	Electric Vehicle Charging Infrastructure.

Greenhouse gases	Include carbon dioxide, methane, nitrous oxide and water vapour, emitted naturally or by human activity, that trap heat in the atmosphere making the planet warmer via the greenhouse effect.
GreenPower	Accredited 100% renewable electricity available for consumers who want to voluntarily reduce their emissions from energy use and support Australian renewable energy. Consumers can purchase a plan from the majority of electricity retailers.
Net zero	Achieving a balance between greenhouse gas emissions produced and greenhouse gas emissions remove from the atmosphere. Achieving net zero requires supporting a range of initiatives, efficiencies and technologies such as renewable energy, electric vehicles, reducing waste to landfill and tree planting.
Public Land	Public land is as defined in the <i>Local Government Act 1993</i> , meaning any land (including a public reserve) vested in, or under the control of, Council but does not include a public road, or land to which the <i>Crown Land Management Act 2016</i> applies, or a common, or a regional park under the <i>National Parks and Wildlife Act 1974</i> .
Public Road	Any road that is opened or dedicated as a public road, whether under the <i>Roads Act 1993</i> or any other Act or Law, and any road that is declared to be a public road for the purposes of the <i>Roads Act 1993</i> .
Provider	Any individual or CPO responsible for the EVCI on Council Land.
Sustainability	Addressing the needs of current and future generations through integration of social justice, economic prosperity and environmental protection, in ways that are transparent, accountable and fiscally responsible.
Team members	Any person engaged in work at Council in any of the following capacities: full-time, part-time, casual, temporary, fixed term employees and volunteers.
Verge	An area of land between the road and boundary of a property.

LEGISLATIVE FRAMEWORK

The following legislation is relevant to the installation and use of EVCI:

1. State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP)

Chapter 2, Part 2.3, Division 17 Roads and Traffic, Subdivision 3 of the TI SEPP specifies planning pathways for the installation of EVCI on Council Land (installed with development consent, without consent or as exempt development) under the *Environmental Planning and Assessment Act 1979*. Planning approval is separate to any required proprietary permission.

2. The Roads Act 1993

Requires that a person shall not carry out works on a Public Road without the approval of the appropriate roads authority, which is often the Council. Section 138 of the *Roads Act 1993* requires the consent from Council as the road authority for any works or activities in a Public Road which includes all parts of the road reserve such as the footpath (nature strip or verge).

3. Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017

Creates a framework to secure the health and safety of workers and workplaces, and relevantly specifies requirements in relation to working in or near vehicular or pedestrian traffic.

4. Local Government Act 1993 (LG Act)

- a. Provides for the classification of Public Land as 'operational land' or 'community land'
- b. **Part 2, Division 2** controls the use and management of community land, and confines how the Council may enter into an agreement for the use of EVCI on Public Land that is classified as community land under the LG Act.
- c. **Section 611** allows Council to make an annual charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.

5. Road Rules 2014

- a. Section 203B creates a penalty of up to \$2,200 for a driver of a vehicle that is not an electric-powered vehicle that stops in a parking area for electric-powered vehicles.
- b. Section 203C provides that a driver must not stop in a parking area for the charging of electric-powered vehicles unless the driver's vehicle is an electric-powered vehicle, and the electric-powered vehicle is plugged in to an external source of electricity.

Other relevant legislation (without limitation) includes:

Crown Land Management Act 2016

Disability Discrimination Act 1992

Environment Planning and Assessment Act 1979 (NSW)

RESPONSIBILITIES

1. Application and approval for Proprietary Permission to install EVCI on Council Land

The provision of all EVCI on Council Land within Hunter's Hill Council LGA is subject to approval by Council where required.

- a. Council may consider formal applications from Providers to install EVCI on Council Land, should they align with this Policy.
- b. Council may undertake an Expression of Interest (EOI) process to engage Providers for the installation of EVCI on Council Land.
- c. Council will reserve the right to decline an application from Providers for EVCI on Council Land
- d. Council will seek to leverage private sector investment as its preferred service model and thereby foster a sustainable service model where costs are born by users rather than ratepayers.

Approval for the installation and use of an EVCI on Council Land may be subject to entry into an agreement with the Council which may take the form of a lease, licence or other occupancy agreement for the occupation of Council Land, which may include a related fee or payment of an annual charge under Section 611 of the *Local Government Act 1993*.

2. Site considerations

Council will seek to facilitate the provision of publicly available EVCI either independently, by partnering with Providers, or by facilitating occupation of Council Land where appropriate. There is anticipated to be a significant amount of Council Land in locations attractive for EVCI due to convenient road access, car parking and public amenity.

Council will seek to ensure EVCI installed on Council Land supports the community equitably, sustainably and fairly by assessing each application for proprietary permission to install EVCI on Council Land against the below criteria:

- a. The legality of the proposal has been considered in respect of the land's classification under the *Local Government Act 1993*. The future use of the land will additionally be considered.
- b. Ensuring that EVCI is permissible under the relevant legislation at the proposed location (e.g., the TISEPP, the *Roads Act 1993* and the like). The Provider is responsible for securing development consent and/or relevant consents and approval, where applicable, from Council on a case-by-case basis (refer to the approval pathways in Section 3 below). The giving of proprietary permission will not in any way fetter the Council's discretion in respect of required consents or approvals.
- c. Ensuring public infrastructure and amenity is maintained, for example pedestrian access, public carparking, functional street furniture and Council owned street lighting poles.
- d. Environmental constraints and characteristics have been considered.
- e. The electricity supply infrastructure capacity of the existing electrical supply network is suitable (or can be reasonably upgraded). Council will bear no cost or responsibility for the provision of, or upgrade to, electrical supply infrastructure to service proposed EVCI.
- f. The land has a reasonable connection to the wider road network.
- g. The EVCI is safe with adequate lighting, and pedestrian and vehicular access available at all times of the day and night.
- h. The EVCI is compliant with relevant Australian Standards and Regulations for work health and safety. EVCI hardware must be located a safe distance away from hazards (e.g., dangerous goods and fuels).
- i. All EVCI are to be compliant with the *Disability Discrimination Act 1992* which includes compliance with current standards for access (AS2890.5/AS2890.6).
- j. Where possible, the charging cable shall have the capacity to reach all points of the carparking space to cater for EVs with front, rear or side charging points. Cables should not be a hazard for pedestrians or other vehicles at any given time.
- k. Many EV users aim to reduce their carbon emissions from driving. As such, preference is for the use of renewable energy for the EVCI energy source (e.g., accredited 100% GreenPower).
- l. Consultation with the local community and relevant stakeholders, including Council, is satisfactorily undertaken in conjunction with the proposed sit.
- m. Ensuring adequate signage is provided, as set out within this Policy.
- n. Ensuring no advertising is displayed on the proposed EVCI.

Any permission granted by Council for the provision of EVCI on Council Land will not preclude Council from allowing other Providers, including Council, to offer EVCI on nearby land or through the use of 'Smart Poles' or similar infrastructure.

3. Other Approvals

In addition to proprietary permission, the installation of an EVCI will require separate consideration in line with all relevant legislation that may apply to the use and occupation of the land the EVCI will be situated upon. Council Land is governed by a variety of legislation. The TISEPP applies to the use of land, and the occupation of the land may need to be approved under the *Local Government Act 1993*, *Roads Act 1993*, *Crown Land Management Act 2016* or other relevant legislation.

The installation of EVCI may require:

- a. Planning approvals under the *Environmental Planning and Assessment Act 1979* and relevant instruments (noting the TISEPP allows EVCI to be installed in some locations without consent or as exempt development).
- b. Amendments to Plans of Management under the *Local Government Act 1993* where the land is classified community land.
- c. Approvals under the *Roads Act 1993* for works within or use of the Public Road for construction works and/or designation of dedicated parking for electric vehicles.
- d. Approval by the Local Area Traffic Committee may be required.
- e. Payment of fees and charges relating to any remediation works to restore Council Land following installation of EVCI and/or installation of line marking and signs.
- f. Owner’s consent from Crown Land, if required.

Approval Pathways			
Provider	<i>Environmental Planning and Assessment Act</i> approvals (planning and development approvals)	<i>Roads Act/Local Government Act</i> approvals (including Traffic Committee), dependent on land ownership	Legal agreement with Council (e.g. consent agreement, contract, or licence, fees may apply)
Resident	Refer to TISEPP	Yes	Yes
CPOs or the like	Refer to TISEPP	Yes	Yes
Public Authority	Refer to TISEPP	Yes	Yes
Electrical Supply Authority	Refer to TISEPP	Yes	Yes

Table 1- Approval Pathways

The giving of proprietary permission will not in any way fetter the Council’s discretion in respect of required consents or approvals.

4. Installation, maintenance and decommissioning

The installation, maintenance and decommissioning costs associated with the installation and operation of any given EVCI is the responsibility of the Provider, unless by prior agreement with Council. This includes ancillary infrastructure such as car parking spaces, signage, line marking, pavement marking, lighting and the like, and the future reinstatement of the site if required/proposed.

The Provider will be responsible for:

- a. Leading consultation with electricity network service providers to ensure the ongoing appropriate capacity; and
- b. The implementation of a maintenance schedule which includes regular inspections. All maintenance and works shall be carried out in a timely manner to avoid delays to service for users.

Where the Council has determined to grant a proprietary permission, an agreement may need to be established with the Council. This agreement may take the form of a lease or licence or other agreement. That agreement will outline the responsibilities set out above, amongst others, and the consequences of non-compliance.

5. Signage and promotion

To ensure all public place EVCI are fit for purpose, they will be accompanied by parking restrictions and signage to ensure their efficient use and accessibility by multiple users. Restrictions may vary for different locations, charger types and preferred linger times.

The considerations for signage include:

- a. Must be fit for purpose, including allowing priority parking spots for EVs during recharge.
- b. The installation of the associated parking signs for EV on-street parking is reported to Council's Local Traffic Committee and subsequently to Council for consideration and approval.
- c. Parking bays allocated to EVs will be signposted using standardised Transport for NSW signage. They will also be clearly marked on the road surface.
- d. Integrated advertising on EVCI is not permitted.
- e. Pole signage shall be provided in accordance with Transport Roads and Maritime Service Sign No. r5-41-5 or equivalent. Should an EV not be charging, or another car parked in the marked bay, the driver could incur a fine (Disobey No Parking Sign).

Providers are responsible for the provisional cost of installing signage and line marking relating to the provision of EVCI as well as the ongoing maintenance for the duration of the occupancy agreement.

Publicly accessible EVCI will be listed on the Council's website and actively promoted through Council communications channels. They will also be listed on mobile Apps such as 'PlugShare'. The EVCI shall be easily visible and accessible for users to find.

6. Fees and Charges

Council will determine applicable fees or charges payable for the installation of EVCI on Council Land pursuant to the *Local Government Act 1993*. Council will require a charge based on the nature and extent of benefit derived from the installation of the EVCI by the Provider as provided in section 611 of the *Local Government Act 1993* for EVCI in a public place or impose a fee in the occupancy agreement.

7. Agreements for the installation and use of EVCI on Council Land

Anyone installing EVCI on Council Land must establish an occupancy agreement with Council in the form of a lease, licence or other agreement. This will include the applicable fee set out above.

The agreement may include, but not be limited to, the following:

- a. Service Level Agreements for operation, maintenance and inspection of EVCI to ensure a reliable service is provided to consumers,
- b. Accepted responsibility of the Provider for the decommissioning of the EVCI,
- c. Evidence of adequate insurances for public indemnity, workers compensation and legal liability,
- d. Length of operation of EVCI with maintenance plans,

- e. The Provider may be required to upgrade existing EVCI to meet the latest industry standards and requirements,
- f. Site specific conditions,
- g. Details of proposed design including associated lines and signs,
- h. Acceptance of all costs being borne by the Provider (including an individual), and
- i. The removal of any EVCI from a site if the EVCI or the activity associated with it causes a nuisance, safety issue or the Provider fails to adhere to any of the requirements in the agreement with Council.

Council reserves the right to:

- a. Decline an application to install and use Council Land for EVCI.
- b. Accept one or more Providers within proximity to each other.

CONSULTATION

Developed by the Sustainability & Waste Coordinator in consultation with Council, industry and community stakeholders.

Public Exhibition period – 30 October to 27 November 2024

Activity detail – Council’s Connect page and social posts.

RELATED DOCUMENTS

Hunter’s Hill Council Community Strategic Plan 2022-2032

Hunter’s Hill Council Local Strategic Planning Statement 2020

Hunter’s Hill Council Net Zero Implementation Plan 2025

National Electric Vehicles Strategy 2023

National Future Fuels and Vehicles Strategy 2021

NSW Electric Vehicle Strategy 2021

Future Transport 2056 – NSW Electric and Hybrid Vehicle Plan

NSW Net Zero Plan Stage 1: 2020-2030

NSW State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP)

NSW Work Health & Safety Regulation 2011

NSW Road Rules 2014

NSW State Infrastructure Strategy 2018-2038

POLICY AUTHORITY

Mitchell Murphy – General Manager

REVIEW DATE

As the installation of electric vehicle charging is rapidly evolving, there is a need for this Policy to be agile. This Policy will be reviewed every two years, or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 16 December 2024
RESOLUTION NO: 113/24

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
16/12/2024	1.0	113/24	New Policy as committed to developing by Council in July 2023	Sustainability & Waste Coordinator