

POLICY– COUNCIL

Electric Vehicle Charging Infrastructure on Local Government Land

CONTENTS

1. Document control.....	2
2. Preamble	2
3. Policy purpose	2
4. Scope	3
5. Definitions.....	3
6. Strategic context	3
6.1 City of onkaparinga	3
6.2 State Government.....	4
6.3 Federal government	4
7. Policy.....	4
7.1 demonstration of community benefit.....	4
7.2 Agreements with ev charging infrastructure providers.....	5
8. Relevant legislation and references.....	6
9. Further information	6

1. Document control

Author – name and position (to whom changes are recommended)	Ian Hawkins Manager Community Safety and Property
Stakeholders (audience and engagement groups)	Infrastructure Asset Management Team Sustainability Team Tourism and Economic Development Team Procurement Team
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2. Preamble

The contents of and the commitments that council makes in this policy are not intended to be and should not be interpreted to be any more than a statement of the City of Onkaparinga's general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

3. Policy purpose

The purpose of this policy is to clearly articulate council's position regarding the use of local government land and roads for the provision of electric vehicle (EV) charging infrastructure. This policy provides clarity to elected members, council staff, the community and EV charging infrastructure businesses.

It is acknowledged that any legislative requirement which affects council will take precedence over council's policies and procedures.

4. Scope

This policy applies to EV charging infrastructure for public use on local government land and roads. EVs include passenger vehicles for private use as well as those used for commercial purposes.

This policy excludes:

- EV charging infrastructure for council fleet vehicles.
- Existing EV charging infrastructure at council-owned sites.
- EV charging infrastructure on private land.
- Requests for land owner consent related to council-owned sites that are leased to others (e.g. sporting clubs). The same principles outlined in this policy are however useful to apply when making a land owner consent determination.
- Charging infrastructure for electric micro mobility devices such as e-bikes and e-scooters. E-scooters are not currently legal for use on public land. Consideration will be given to inclusion of e-mobility devices in future reviews of the policy.

5. Definitions

Electric vehicle (EV)	Cars or other vehicles with motors that are powered by electricity rather than liquid fuels. This includes battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs).
EV charging infrastructure	Equipment that supplies electrical power for charging plug-in electric vehicles such as a charging station.
EV charging infrastructure business	Private businesses supplying equipment for charging EVs.
Local Government land and roads	Land owned by council or under council's care, control or management (excluding the foreshore) and public roads in council's area, for which council has responsibility under Section 208 of the <i>Local Government Act 1999</i>
Opportunity cost	The loss of other alternatives when one option is chosen.
Publicly available charging infrastructure	Charging infrastructure available for the public to use, whether located on public or private land (e.g. shopping centre carpark, service station).

6. Strategic context

6.1 CITY OF ONKAPARINGA

An outcome of council's Community Plan, Onkaparinga 2030 is 'we respond to the impacts of climate change, reducing emissions and building community resilience.

Our Towards Zero Corporate Emissions Roadmap outlines how council will achieve its target of 80 per cent reduction in its corporate greenhouse gas emissions by 2030 through actions such as transitioning its fleet and plant to electric or hydrogen fuel.

One of the goals of council's Climate Change Response Plan 2022-27 is a low carbon transition, with a specific action to develop a position on EV charging infrastructure on council land (action 4.18).

Our Climate Emergency Declaration commits council to aim to achieve net zero carbon emissions by 2040.

6.2 STATE GOVERNMENT

In 2020, the State Government released South Australia's Electric Vehicle Action Plan with a vision of being a national leader in EV uptake and smart charging by 2025, and an aspiration for all new passenger vehicles sold in the state to be fully electric by 2035.

6.3 FEDERAL GOVERNMENT

In 2023, the Federal Government released a National Electric Vehicle Strategy. One of the objectives of the strategy is to establish the systems and infrastructure to enable rapid uptake of EVs including addressing barriers to EV uptake due to range anxiety and gaps in EV charging networks and hydrogen refuelling infrastructure.

7. Policy

Council strongly supports the transition to EVs both for the organisation and the community as a strategy for reducing transport carbon emissions.

In general, council will not own EV charging infrastructure for public use.

Council views the provision of publicly available EV charging infrastructure as a role most appropriately undertaken by the private sector on private land, in the first instance.

Council will support the use of local government land or roads for the installation of charging infrastructure where a community or council benefit can be demonstrated. A community or council benefit may include, but is not limited to:

- activation of, or increasing visitation to, a township or region,
- filling a gap in charging infrastructure that cannot be met through provision of infrastructure on private land,
- where financial benefit can be gained for council that outweighs associated costs.

7.1 DEMONSTRATION OF COMMUNITY BENEFIT

Where a specific community benefit has been identified by council or an external party, the following criteria must be addressed in an application to install EV charging infrastructure on local government land or a road:

- the benefit to the community, and
- that either the benefits would not be realised if the charging infrastructure was on private land or no opportunities to install charging infrastructure on private land are available in the vicinity, and
- that the community benefit outweighs any opportunity cost and risks associated with using local government land or road for the charging infrastructure.

Where an external party approaches council regarding the installation of EV charging infrastructure, the responsibility is on them to demonstrate to council the above criteria.

Council reserves the right to decline an application from an external party for the use of local government land or road for EV charging infrastructure.

7.2 AGREEMENTS WITH EV CHARGING INFRASTRUCTURE PROVIDERS

- 7.2.1 Where council believes that all the above criteria has been demonstrated, negotiations may be entered into with an EV charging infrastructure business (the provider) to provide infrastructure on local government land or road. It should be noted that agreements representing a value of \$100,000 or greater may be subject to the Unsolicited Bids and Proposals policy and procedure.
- 7.2.2 Council may enter into an agreement with the provider to access local government land or road for the purpose of EV charging through a lease, licence or permit.
- 7.2.3 Council will generally only enter into agreements that represent no direct costs to council (i.e. there is no financial contribution required from council for installation or ongoing costs.), except where there are extenuating circumstances that council deems warrant a contribution.
- 7.2.4 The exact location of the charging infrastructure will be determined by negotiation between council and the provider. When selecting a location, due consideration will be given to the relevant Community Land Management Plan/s and other matters such as parking requirements prescribed under the Planning and Design Code.
- 7.2.5 EV charging infrastructure providers are responsible for complying with all existing statutory processes under the relevant legislation including the *Local Government Act 1999* and the *Planning, Development and Infrastructure Act 2016*. For example, use of local government land or roads for EV charging infrastructure is likely to require development approval for a change in land use, and installation of infrastructure will require Building Code Consent.
- 7.2.6 Council preferences the EV charging provider having their own metered electricity supply directly with the electricity provider.
- 7.2.7 Where council enters into an agreement with a provider for the provision of charging infrastructure on local government land or road, the following requirements will be included (but not limited to) as part of the agreement:
- 7.2.7.1 Full life cycle costs to be the responsibility of the provider, including but not limited to:
- installation costs, including ancillary infrastructure such as signage and lighting.
 - costs related to connection to the electricity network.
 - operation and maintenance costs.
 - costs related to inspection regimes.
 - costs related to physical insurances of units.
 - costs related to public liability responsibilities.
 - removal of infrastructure and reinstatement costs at the end of the agreement.
- 7.2.7.2 Infrastructure to provide a minimum of 25kW DC.
- 7.2.7.3 Equity, access and inclusion principles to be upheld, including:

- infrastructure and parking bays to be compliant with the *Disability Discrimination Act 1992*.
 - provision of universal charging facilities, no exclusive use of infrastructure for a particular vehicle or group of users.
- 7.2.7.4 Restrictions on any advertising associated with or displayed on the infrastructure. Promotion of tobacco, alcohol, gambling and related industries, and of businesses or services in direct competition with local businesses will not be permitted. Separate planning approvals will be required for third-party advertising.
- 7.2.7.5 Minimum service levels required from the charging provider including (but not limited to) minimum maintenance schedule and maximum outage times.
- 7.2.7.6 The agreement will be reviewed after a set period of time, to be determined as part of the negotiations. It should be noted that lease or licencing agreements beyond five years require public consultation.

8. Relevant legislation and references

Legislation

Local Government Act 1999 (SA)

Planning, Development and Infrastructure Act 2016

Disability Discrimination Act 1992

By-laws (By-Law 3 – Roads, By-law 4 – Local Government Land)

References

Department for Energy and Mining. 2020. South Australia's Electric Vehicle Action Plan.

9. Further information

This policy is also available for inspection, downloading or printing from our website www.onkaparingacity.com.au.