



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
Ms Jo Clay MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into electric vehicle (EV) Adoption in the ACT

Submission Number: 44

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Owners Corporation Network (ACT)

Submission to the Inquiry into Electric Vehicle (EV) Adoption in the ACT

1. Introduction

- 1.1 This submission is from the Owners Corporation Network (ACT) (OCN).
- 1.2 The OCN represents the interests of persons living in medium and high-density housing in the ACT and addresses their concerns as and when necessary. Its purpose is to share information on the effective operation of owners corporations (OC) and provide a coordinated representative voice for strata owners and residents on issues of importance for strata living.
- 1.3 The submission addresses relevant elements of the Terms of Reference and focuses primarily on issues relating to Electric Vehicle Supply Equipment (EVSE) in residential strata properties.
- 1.4 It suggests consideration of several amendments to the Unit Titles (Management) Act 2011 (UTMA) that the OCN believes are necessary to support the uptake of electric vehicles (EVs) in the ACT and aid owners corporation decision making to support this motor vehicle technology shift.
- 1.5 Some parts of the submission might not apply to commercial strata properties.

2. Terms of Reference

- 2.1 STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy Chair), Mark Parton MLA

Inquiry into electric vehicle (EV) adoption in the ACT

Ref: <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/ptcs/inquiry-into-ev-vehicle-adoption>

That the Standing Committee on Planning, Transport and City Services inquire into barriers to EV uptake and solutions and incentives to encourage uptake in the Territory, including:

- a. Skills development needs to support an expanding EV uptake
- b. Industry development opportunities
- c. Planning laws and regulations and education and promotions in relation to charging infrastructure requirements in a variety of residential, public and commercial configurations and precincts
- d. ACT Government's role in providing charging infrastructure
- e. Regional charging infrastructure and whether this is a barrier to local uptake, end-of-life battery disposal, and impact of EVs on ACT power supply requirements and vehicle-to-grid issues
- f. Application of Territory taxes and charges for EV purchases including registration charges
- g. Federal taxes and charges for EV purchases, including import taxes

- h. Other Federal barriers to EV uptake, cost and availability of EVs, including fuel efficiency standards, impact of EV uptake on existing motor and service industry sectors including possible transition assistance, equity and just-transition issues for people on lower incomes.
- i. Any other matter relevant to this issue.

3. Suggestions for Government

3.1 The Owner Corporation network (ACT) makes the following suggestions in relation to the 2022 ACT Government's Inquiry into EV Vehicle Adoption in the ACT.

3.2 Specialist Industry training and qualifications

3.2.1 The ACT Government consults with the EVSE industry and education institutions to determine the skills required and to deliver education and training to develop these skills in the workforce, including appropriate certification of workers performing EVSE work along with public listing by Access Canberra of suitable qualified trades.

3.3 Education of owners and strata committee members

3.3.1 The ACT Government investigates how it can assist in improving the knowledge and understanding of EVSE by strata property owners and managers through the production of suitable literature for owners corporations and individual owners to better understand the EV technologies and implications for installation on private unit property and on common property.

3.4 Streamlined strata approval processes

3.4.1 The ACT Government simplifies and streamlines the process for the installation of EVSE on common property. This could include:

- making provision in the UT(M)A to allow owners to install EV technology without the granting of Special Privileges;
- amending the UT(M)A to enable the OC to install EVSE on common property authorised by an ordinary resolution; and
- amending the definition of 'sustainability infrastructure' in the UTMA to include EVSE, in line with other jurisdictions.

3.5 User pays systems

3.5.1 The ACT Government reviews UTMA Clause 78 to ensure it provides sufficient guidance to OCs on its ability to introduce a user pays system to recoup infrastructure and electricity consumption charges.

3.6 Encourage off peak EV charging

3.6.1 The OCN supports the Australian Electric Vehicles Association (AEVA) ACT submission that electricity pricing should provide an incentive for EV charging to occur at times of low demand from other uses, i.e., off-peak pricing.

3.7 EVSE in visitor car park spaces

3.7.1 The ACT Government considers the possibility of OCs installing EVSE in visitor parking stations and the implications this would have on building park space ratios.

3.8 ACT Government to be the 'source of truth' for EVSE

3.8.1 The ACT Government to ensure it is the 'go-to' source of information for owners, strata managers, owners corporations, EVSE suppliers and installers by providing on-line guidance documents on the process and steps to be followed for the successful acquisition, installation, and operation of EVSE, standards and charging protocols. This would enable owners to rely less on information from suppliers and installers of EVSE that favours their commercial interests.

3.9 Financial assistance for unit owners

3.9.1 The ACT Government increases financial assistance provided to OCs for EVSE at a more equitable rate based on a per unit amount, not a per development amount.

3.10 'No regrets' insurance impacts for EVSE

3.10.1 The ACT Government considers the need for changes to safety requirements, certification, inspections so that there are no adverse insurance impacts arising from installation of EVSE.

3.11 Financial incentives

3.11.1 The OCN welcomes the ACT Government policies to reduce government charges relating to the purchases of EVs. The OCN suggests that the Government considers introducing similar policies to reduce government charges relating to EVSE.

3.12 Future proofing

3.12.1 The Act Government considers, as part of this submission, AEVA's recommendations to the review of draft amendments to the National Construction Code (NCC) in late 2021.

3.12.2 The ACT Government investigates meaningful incentives and other actions that anticipate future developments in EVs, including technology improvements to vehicles, batteries, infrastructure (public and private), vehicle-to-grid electricity supply, and the increase in vehicle numbers.

3.12.3 The ACT Government consults with electricity suppliers and EVOenergy to ensure that electricity supply will meet the increasing demand.

3.13 Precinct EVSE

3.13.1 The ACT Government considers providing precinct EVSE in locations where many separate strata complexes are located.

3.14 Working with other jurisdictions

3.14.1 The ACT government works closely with other jurisdictions to harmonise the adoption of standards and protocols best suited to ACT needs.

4. Skills development needs to support an expanding EV uptake

4.1 EVSE includes not only charging stations, electrical cabling, switchboards and the like but also other equipment such as load management systems, communications, payment/billing systems and associated building modifications. Much of this EVSE is relatively new, having been developed in about the last ten years, and incorporates new technology. Products and associated technologies are rapidly developing to meet the need for EVSE. Therefore, there will be an increasing demand for skilled technical personnel, including engineers and technicians, who have the necessary knowledge and expertise to design, install and support EVSE. The OCN suggests that the ACT Government consults with the EVSE industry and education institutions to determine the skills required and to deliver education and training to develop these skills in the workforce. Consideration should also be given to appropriate certification of workers performing EVSE work. For example, there might be a requirement for EVSE education modules for qualified electricians leading to a specialist certification, which would be shown as a 'class' of certification on the relevant Access Canberra licensing webpage.

4.2 The technology associated with EVSE is complex and understanding it is challenging even for those with a reasonable level of technical knowledge. Most owners do not have sufficient technical knowledge to understand the complex technologies, products and systems associated with EVSE and to make informed decisions on the type of EVSE best suited to their needs. Therefore, there is a need to give strata property owners and managers, many of whom are members of an owners corporation, a better understanding of EVSE. This is particularly important for members of Executive Committees, who have the responsibility for making decisions on the acquisition, installation, and operation of EVSE. OCs should be encouraged to consider a staged approach to the acquisition of EVSE to build confidence in the charging system and manage risk.

4.3 There is a risk that OCs will be reluctant to acquire EVSE because they do not have an adequate understanding of what is required and how to manage the acquisition. This would hinder the uptake of EVs. The only way to keep up with the increasing demand for electric vehicles and support their wider adoption is with the rapid expansion of EV charging infrastructure. The OCN suggests that the ACT Government investigates how it can assist in improving the knowledge and understanding of EVSE by strata property owners and managers. This could be achieved by providing explanatory material aimed at the non-technical OC member to assist them in understanding EVs and EVSE.

4.4 The NSW Government and the company WattBlock have produced some excellent information for this purpose. The OC suggests that the ACT Government produces similar information for ACT owners. More details about this suggestion are in section 7.

5. Industry development opportunities

5.1 The acquisition, installation, and support of EVSE in residential strata properties will provide opportunities for the development of related industries to support the infrastructure. The OCN also believes the introduction of EVSE infrastructure into strata properties provides an opportunity for strata managers and or building managers to expand their support roles for OCs and for Strata Lawyers to establish support capabilities, possibly by advising on Rules to support equitable billing arrangements between users of EVSE and non-users.

6. Planning laws and regulations and education and promotions in relation to charging infrastructure requirements in a variety of residential, public and commercial configurations and precincts

6.1 Special Privileges

6.1.1 Much EVSE in residential strata property in Class A buildings is likely to be installed on common property. Some of this EVSE, e.g., individual charging stations, will probably be owned by individual owners with their own secure garage. EVSE in Class B units is more likely to be installed on an owner's property, e.g., an owner's garage, but some EVSE might still have to be installed on common property, e.g., electric cables.

6.1.2 Clause 112A of the UT(M)A deals with the granting of special privileges to individual owners for the use of common property and states that a special privilege may be granted by the OC to an individual owner. In summary, this clause allows the owners corporation to make a rule granting a special privilege to a unit owner for a period of 3 months or more. In the case of EVSE, this rule would cover the installation of EVSE such as a charging station on common property. The wording of Clause 112A does not clearly state that a special privilege (SP) automatically transfers to a new owner. Clearly it is important that a new owner is assured that the EVSE installed on common property continues to be available under the same conditions as the previous owner. The OCN suggests that the UT(M)A be amended to provide this assurance.

6.1.3 Current wording of clause 112A implies that each owner who wants to install EVSE such as a charging station would have to apply for a SP and the OC would have to consider each application and put in place a special privilege rule for each individual owner. This will impose a significant workload on the OC. As it is likely that many owners will apply for a SP to install EVSE at about the same time, the OCN suggests that the ACT Government considers simplifying and streamlining this process for the installation of EVSE on common property. This could include making provision in the UT(M)A to allow owners to do this without the granting of SPs.

6.1.4 The OCN suggests that the ACT Government considers amending the UT(M)A to enable the OC to install EVSE on common property authorised by an ordinary resolution. This could reduce the administrative workload for owners, especially EC members, and be the cheapest, easiest, and potentially the only feasible solution for many OCs.

6.2 Sustainability Infrastructure

6.2.1 Clause 23 of the UT(M)A deals with the installation of sustainability and utility infrastructure on common property, and states:

- (1) An owners corporation for a units plan may, if authorised by an ordinary resolution—
 - (a) approve the installation of sustainability or utility infrastructure on the common property; and
 - (b) approve the financing of the installation of the sustainability or utility infrastructure; and
 - (c) grant an easement or any other right over any part of the common property for the purpose of the installation, operation or maintenance of the sustainability or utility infrastructure.

6.2.2 The UT(M)A Dictionary defines **Sustainability Infrastructure** as:

sustainability infrastructure—

- (a) means infrastructure or equipment that—
 - (i) if installed in relation to a units plan—
 - (A) improves the environmental sustainability of the units; or
 - (B) reduces the environmental impact of the owners corporation and the units owners; and
 - (ii) if installed in relation to a unit—
 - (A) improves the environmental sustainability of the unit;
- or
- (B) reduces the environmental impact of the unit; and
- (b) includes related utility service connections and equipment.

6.2.3 It is not clear whether EVSE installed in residential strata properties would/could be regarded as sustainability infrastructure. If EVSE were to be regarded as sustainability infrastructure, the provisions of Clause 23 would almost certainly facilitate approval for the installation of EVSE. The OCN draws the Committee's attention to the NSW Government's recent legislative changes in this regard, namely the *'Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020'*. This categorises the installation of EV charging infrastructure as a sustainability infrastructure upgrade and aims to facilitate the installation of sustainability infrastructure such as EVSE.

6.2.4 The OCN believes that there would be significant benefits in regarding EVSE as sustainability infrastructure and suggests that the UT(M)A be amended to clarify this. To remove any doubt the OCN suggests that a note be added to the definition of sustainability infrastructure giving examples of sustainability infrastructure, including EVSE.

6.3 Charging owners for electricity and the capital cost and maintenance of EVSE

6.3.1 As a general principle, the OCN believes that any EVSE installation must be equitable to all owners. This does not necessarily mean that the same level of EVSE must be provided to all owners, but all owners should have access to EVSE at an equitable, justifiable cost as far as practicable. A fundamental issue for any owners' corporation is to what extent the OC may wish to attribute the cost of charging electric cars to owners who are charging their cars.

6.3.2 As a result of the amendment to the UT(M)A that came into effect in November 2020, an OC can agree to charge differential levies, which greatly simplifies the process of introducing a 'user pays' system. The OC can adopt a Rule under Section 78 of the UT(M)A (sub-clause 78 (3) (b)) to require those charging electric cars to pay an additional amount associated with the cost of EVSE and for the power they are using. The OCN suggests that the ACT Government reviews Clause 78 to see whether it provides sufficient guidance to OCs in this regard.

6.4 Variable electricity pricing to encourage electricity consumption at times of low demand

6.4.1 The OCN supports the Australian Electric Vehicles Association (AEVA) ACT submission that electricity pricing should provide an incentive for EV charging to occur at times of low demand from other uses, i.e., off-peak pricing.

6.5 EVSE in visitor parking spaces

6.5.1 Some OCs might want to install EVSE in visitor parking spaces. If EVSE is installed in a visitor or other common property parking space, this might impact the visitor parking ratio required for building approvals. The OCN suggests that the ACT Government considers this possibility and provides guidance accordingly.

7. ACT Government's role in providing charging infrastructure

7.1 Information about selection, installation, and operation of EVSE

7.1.1 The OCN believes that the ACT Government has an important role to play in providing information about EVSE to owners and others involved in the charging of EVs. Examples of how this could be achieved include public presentations covering various aspects of EVSE, provision of information about EVSE on government websites, and an advisory service for members of the public, especially property owners. This would enable owners to rely less on information from suppliers and installers of EVSE that favours their commercial interests.

7.1.2 The OCN suggests that the ACT Government produces guidance documents primarily for OCs/ECs and strata managers on the process and steps to be followed for the successful acquisition, installation, and operation of EVSE. This could be modelled on the excellent guidance provided by the NSW Government publication '*Drive electric NSW*', tailored to suit the ACT. Information about '*Drive electric NSW*' is at website 'EV ready buildings', at [Drive electric NSW EV ready buildings – Residential](#). The Government might also draw on WattBlock advice.

7.1.3 The '*Drive electric NSW EV ready buildings residential strata quick reference guide*' provides an overview of the main charging solutions available for residential strata buildings. The OCN commends the NSW Government in producing such a comprehensive document to assist owners and others in understanding EVSE and making informed decisions about EVSE.

7.1.4 Additional information could be provided based on the NSW government document '*Making your residential strata building EV ready*' see <https://www.energysaver.nsw.gov.au/reducing-emissions-nsw/electric-vehicles/electric-vehicle-ready-buildings/making-your-residential-strata-building-ev-ready>.

7.1.5 This would be of great assistance to unit owners and facilitate the acquisition, installation, and operation of EVSE and is likely to result in EVSE being operational much earlier than it would be otherwise. It would also have the advantage of harmonising ACT policies and practices with those of NSW where possible.

7.2 Standards, protocols and certification

7.2.1 ACT Government guidance could also cover relevant standards and charging system protocols. For example, Open Charge Point Protocol (OCPP) is the shared language spoken between open EV chargers and charging station management systems (CSMS). Not all EV chargers and management software supports OCPP, but systems that do enjoy a wide range of benefits.

7.2.2 Many standards for EVs and EVSE have already been developed throughout the world. The OCN suggests that the ACT Government works closely with other jurisdictions to harmonise the adoption of standards and protocols best suited to ACT needs.

7.2.3 Certification of EVSE to ensure that it meets applicable standards and protocols is important for many reasons, including interoperability, safety, insurance, and efficiency. The OCN suggests that the ACT Government considers the role it should play in ensuring that EVSE is properly certified.

7.4 Financial assistance for OCs

7.4.1 The OCN suggests that the ACT Government considers increasing the financial assistance provided to OCs for EVSE. While the \$2000 grant to OCs for EVSE is welcome, it is very small in comparison to the cost of installing an adequate EVSE charging system in a residential strata property. The OCN suggests that the grant to assist OCs should be based on a per unit amount instead of a flat \$2,000. Clearly the larger the unit complex the higher the cost of EVSE. A per unit amount would mean that the grant is commensurate with the size of the strata property.

7.5 Insurance

7.5.1 Installation of EVSE in a residential strata property might have an impact on the insurance of the property. The OCN suggests that the ACT Government discusses the possible impact installation of EVSE might have on insurance of these properties with the insurance industry. Depending on the outcome of these discussions, the ACT Government might consider the need for changes to safety requirements, certification, inspections, etc.

7.6 Precinct EVSE

7.6.1 The Government could consider providing Precinct EVSE in locations where many separate Strata Complexes are located. This could include precincts such as the Kingston Foreshores and C5 Campbell/Constitution Avenue, and areas of Canberra City and Woden.

8. Regional charging infrastructure and whether this is a barrier to local uptake, end-of-life battery disposal, and impact of EVs on ACT power supply requirements and vehicle-to-grid issues

8.1 Adequacy of electricity supply

Many residential strata properties were built when the demand for electricity at the property was much less than it is now. Therefore, the electricity supply to these properties may not have the capacity to meet the increased demand from EV charging. Even some newer residential strata properties do not have sufficient capacity. In addition, the transition from gas to electricity will also increase electricity demand. This gives rise to concerns about the adequacy of electricity supply to such buildings. The capacity of EVOenergy's distribution network to support a wide-scale increase in average demand due to EV charging is unknown and merits immediate investigation. The OCN suggests that the ACT Government consults with electricity suppliers and EVOenergy to ensure that electricity supply will meet the increasing demand.

9. Application of Territory taxes and charges for EV purchases including registration charges

9.1 The OCN welcomes the ACT Government policies to reduce government charges relating to the purchases of EVs. The OCN suggests that the Government considers introducing similar policies where applicable to reduce government charges relating to EVSE.

10. Federal taxes and charges for EV purchases, including import taxes

10.1 No comment.

11. Other Federal barriers to EV uptake, cost and availability of EVs, including fuel efficiency standards, impact of EV uptake on existing motor and service industry sectors including possible transition assistance, equity and just-transition issues for people on lower incomes

11.1 No comment

12. Other matters

12.1 Recommendations to the National Construction Code

12.1.1 The OCN was invited to review an early draft of the submission to the Inquiry by the Australian Electric vehicle Association ACT. The AEVA ACT draft states: '*AEVA's national body made recommendations to the review of draft amendments to the National Construction Code (NCC) in late 2021. It is available here: aeva.asn.au/news/national-building-code/*'. We would like this Inquiry to consider those recommendations as part of this submission. The OCN supports this request but also suggests that ACT Government incentives and other actions must anticipate future developments in EVs, including technology improvements to vehicles, batteries, infrastructure (public and private), vehicle-to-grid electricity supply, and the increase in vehicle numbers.

12.2 Owners corporation cost pressures

12.2.1 Members of OCs including owners and rental residents of apartments, flats and townhouses have been under considerable cost pressures in the ACT particularly as evidenced by being the most expensive capital city in Australia for rental properties. These cost pressures have been created by very high rates and land taxes for strata properties, rectification by owners of defective buildings including replacement of combustible cladding, and escalating insurance premiums as a result of poor building quality. The OCN is aware that this has resulted in some OCs under-budgeting for essential maintenance to limit levy cost increases. These cost pressures may inhibit providing EVSE and hence take-up of EVs in many properties.

13. Follow-up action

13.1 The OCN would be pleased to participate in an interview with the Committee to further explore these ideas. If Committee members or their representatives would like to do this, please contact Mr Gary Petherbridge, President, OCN (ACT) or Mr Denton Bocking, OCN (ACT) Committee Member. Contact details are in the covering email.

13.2 This submission has been prepared by Denton Bocking, representing the Owners Corporation Network (ACT), in consultation with other members of the OCN, Mr Robin Eckermann (FIEAust), and Mr Peter Campbell, committee member of the Australian Electric Vehicle Association (ACT). Contact details are:

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22 August 2022