

## Electric vehicles

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This document answers frequently asked questions about installing an electric vehicle charging unit and explains the relevant planning provisions in the State Environmental Planning Policy (Transport and Infrastructure) 2021.

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### What is an electric vehicle charging unit?

An electric vehicle charging unit (EVC unit) is a type of infrastructure that is used to recharge the battery in electric vehicles.

### Why have new policies been introduced?

Demand for electric vehicles is increasing as people embrace emerging technologies and cleaner energy options. Under the NSW Electric Vehicle Strategy (2021), electric vehicle sales are expected to increase to 52% by 2030–31. This demand also increases the requirement for EVC units. Therefore, more electric vehicle facilities are needed in appropriate and convenient locations across the state.

The proposed changes will make it easier to build charging facilities through a streamlined approval process. Providing a clear path through the approval process encourages more investment in charging locations.

### Where can the planning pathways for the EVC unit be found?

The planning approval pathway for EVC units can be found in the [\*NSW State Environmental Planning Policy \(Transport and Infrastructure\) 2021\*](#) (State Policy). Depending on the scale or location of the EVC unit, the State Policy provides three different planning approval pathways, including the following.

- **Exempt development:** relates to very low-impact development. If the proposed works meet all development standards identified in the State Policy, approval is not needed from Council.



Photo courtesy Ausgrid

- **Development with consent:** refers to a development that will need approval from a consent authority such as a council or the Planning Minister. Of the different types of consent, council approvals under Part 4 of the EP&A Act are the most common.
- **Development without consent:** this applies to activities done by councils, NSW Government departments or agencies, or private bodies deemed to be public authorities. A public authority can only approve these activities following an environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## Where can an EVC unit be installed under exempt development?

EVC units are exempt development where installed in the following locations:

- private homes
- car parks (commercial, public or private)
- bus depots
- road maintenance depots
- service stations
- highway service centres
- car washing facilities, or
- on public administration buildings.

## Are there any other locations EVC units can be installed under exempt development?

Yes, an electricity supply authority or a public authority can install an EVC unit as exempt development on existing:

- electricity poles, or
- lighting poles.

A public authority can install an EVC unit as exempt development on existing street furniture, including the following:

- parking meters
- telephone booths
- rubbish bins or recycling bins
- planter boxes
- street signs
- benches, or
- bollards.



Photo courtesy Ausgrid

## What criteria apply to the EVC units that can be installed under exempt development?

Sections 2.124D, 2.124E, 2.124F and 2.20 of the State Policy set out the complete list of development standards you must fully satisfy before installing an EVC unit as exempt development. If it does not, then it is no longer exempt development and another approval pathway must be used, such as a development application.

Development standards are criteria that manage the impacts of the installation. For instance, all EVC units must be installed according to the manufacturer's specifications and must comply with the relevant Australian Standards.

## What other conditions need to be met?

You must comply with any existing condition of the most recent development consent that applies to the premises. For instance, some development consents specify a minimum number of parking spaces that must be provided for residents and visitor parking. Building owners should consult their local council to determine if an existing car space that will be used only for electric vehicle charging breaches any conditions of existing development consent.

## What can be undertaken as development without consent?

Public authorities will be able to install some types of EVC units without obtaining development consent but will be required to undertake an environmental assessment under Part 5 of the EP&A Act before carrying out the activity.

The location of the units must be on a footpath adjacent to an area where a vehicle may be lawfully parked. This pathway allows new EVC units to be assessed strategically, leading to good on-ground outcomes.

Similarly to the exempt development pathway, section 2.124 of the State Policy sets out the full list of development standards you must fully satisfy before installing an EVC unit as development without consent.



## What can be undertaken as development with consent?

The State Policy also provides planning pathways to install EVC units using development with consent provisions.

Section 2.124A allows EVC units to be developed on any land as long as they do not obstruct movement or interfere with firefighting equipment. Advertising in an EVC unit can also be approved under development consent under this section.

When a homeowner or occupier does not have access to a private garage or carport and is required to park on the street, the development with consent planning pathway allows homeowners or occupiers to install an EVC unit on public land. Section 2.124B allows homeowners or occupiers to apply for a development application with council to install an EVC unit on public land as long as the electrical power is connected to the residential dwelling and the cables are located underground. Section 2.124C also allows for the development of EVC units in a wide variety of zones or on land on which there is an existing service station, highway service centre or car washing facility.

It should be noted that the Roads Act 1993 and the Local Government Act 1993 require that a person shall not carry out any activity on a public road or place without the approval of council (refer to 'Other approvals' below for more information). Local councils own and manage a significant public property portfolio in locations where EVC units will potentially be located. Anyone seeking to install an EVC unit on Council property must first consult Council, including checking if council has any local policies such as licencing and leasing arrangements.

## Are there development standards for development without consent and development with consent ?

Yes, there are development standards in the State Policy for both development with consent and development without consent planning pathways. Development standards are requirements that must be met for a specific planning approval pathway to be used for a proposed EVC unit. If the development standards are not met, the proposal cannot use that pathway.

## Is advertising permitted on an EVC unit?

Advertising integrated into the EV charging unit is permitted as exempt development, development without consent and development with consent in certain locations. Advertising includes a screen or other displays capable of displaying advertisements that must be fully contained within the EVC unit.

To be exempt development:

- the development must comply with section 2.20
- the sign must be fully contained within the unit
- the sign must not have a surface area greater than 3m<sup>2</sup>
- the sign must comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
- if the sign is illuminated – it must not be animated, flashing or moving.

Each display (or screen) in an EVC unit must not have a surface area greater than 3m<sup>2</sup>. However, there is no restriction on how many displays (or screens) an EVC unit can have. Therefore, an EVC unit may have multiple displays, with each display (or screen) no greater than 3m<sup>2</sup>.

Advertising in an EVC unit can only be located where the exempt development for an EVC unit is allowed, for instance, in a car park or a service station or attached to street furniture. If your proposal does not meet the required standards for either exempt development or development without consent, you may still be able to proceed, but you will need development approval first. In this case, you should contact your local council to discuss the option.

Advertising in an EVC unit can also be approved under development without consent (Section 2.124) and development with consent (Section 2.124A and Section 2.124C). The State Policy does not provide development standards for Advertising in an EVC unit that can be approved as development with consent. Councils may have their own development standards. Anyone seeking to install Advertising in an EVC unit through a development with consent planning pathway must first consult council.

## Other approvals?

Where works are proposed within the road, consent of the appropriate road authority is required under Section 138 of the Roads Act 1993. Under the Roads Act 1993, the road reserve includes the footpath. Works within the road reserve may include activities like erecting an EVC unit or interfering with a structure, or any other activities as defined within the Roads Act 1993. While some works may be considered exempt development under the State Policy this does not affect any obligations under other legislation, such as the Roads Act.

Approvals issued under the Roads Act 1993 do not confer or imply the granting of development consent for the purposes of the Environmental Planning and Assessment Act 1979 or any State Policy.

Councils are the determining authority for a proposal on public land. The Local Government Act 1993 requires that a person shall not carry out any activity on a public road or place without the approval of the Council. Local Government Act 1993 also allows Council to make an annual charge for a structure on, under or over a public place. Anyone seeking to install EVC unit on council property must first consult council.

## Should I seek professional help with my application?

We encourage you to engage a professional town planner who can help you ensure your proposal meets the required development standards.

### More information



Contact the Planning Customer Support Team

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