



New South Wales

# **State Environmental Planning Policy (Transport and Infrastructure) Amendment (Electric Vehicles) 2023**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP  
Minister for Planning

## **State Environmental Planning Policy (Transport and Infrastructure) Amendment (Electric Vehicles) 2023**

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Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment (Electric Vehicles) 2023*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of Policy**

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

## Schedule 1 Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021

### Part 2.3, Division 17, Subdivision 3

Omit the Subdivision. Insert instead—

### Subdivision 3 Electric vehicle charging units

#### 2.123 Definitions

In this Subdivision—

*advertising-enabled EV charging unit* means an EV charging unit that includes a screen or other display capable of displaying advertisements.

*electricity supply authority* and *electricity transmission or distribution network* have the same meanings as in this Part, Division 5.

*EV charging unit* means electric vehicle supply equipment intended to be used to deliver electricity to charge the battery of an electric vehicle.

*installation* includes construction or erection.

*street furniture*—

- (a) includes parking meters, telephone booths, rubbish bins or recycling bins, planter boxes, street signs, benches and bollards, and
- (b) does not include electricity or lighting poles or bus stops.

#### 2.124 Development permitted without consent—public authorities

Development for the purposes of installing an EV charging unit may be carried out by or on behalf of a public authority without consent if—

- (a) the unit is installed on land owned or controlled by a public authority, and
- (b) the unit is installed on a footpath adjacent to an area where a motor vehicle may lawfully be parked, and
- (c) the unit is installed—
  - (i) if installed near a kerb—at least 30cm behind the face of the kerb, or
  - (ii) otherwise—at least 1m from a public road, and
- (d) the unit is not installed on, or attached to, an existing building, including—
  - (i) an electricity substation, or
  - (ii) an electricity or lighting pole, or
  - (iii) street furniture, and
- (e) the unit is installed in accordance with specifications or instructions issued by the manufacturer of the unit, and
- (f) the unit complies with the following standards—
  - (i) AS/NZS 3000:2018, *Electrical installations*,
  - (ii) AS/NZS 4417.2:2020, *Regulatory compliance mark for electrical and electronic equipment, Part 2: Specific requirements for particular regulatory applications*, and
- (g) the unit does not obstruct the following—
  - (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,

- (ii) cyclist or pedestrian movement along a cycleway or footpath, and
- (h) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant, and
- (i) for an advertising-enabled EV charging unit—the screen or display of the unit—
  - (i) is integrated within the frame of the unit, and
  - (ii) complies with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
  - (iii) if illuminated—is not animated, flashing or moving.

**2.124A Development permitted with consent—electricity supply authorities and public authorities**

- (1) Development for the purposes of installing an EV charging unit may be carried out by or on behalf of an electricity supply authority or public authority with consent if—
  - (a) the unit does not obstruct the following—
    - (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,
    - (ii) cyclist or pedestrian movement along a cycleway or footpath, and
  - (b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.
- (2) This section does not apply to an advertising-enabled EV charging unit.

**2.124B Development permitted with consent—residential premises**

- (1) Development for the purposes of installing an EV charging unit may be carried out with consent on relevant public land if—
  - (a) the unit is installed adjacent to an area where a motor vehicle may lawfully be parked, and
  - (b) the consent authority is satisfied the unit is—
    - (i) for the non-commercial use of an owner or occupier of the adjacent residential premises, and
    - (ii) connected to the electricity meter of the owner or occupier, and
  - (c) all cables providing electrical power to the unit are located underground, and
  - (d) the unit is able to be fully retracted underground when not in use, and
  - (e) the unit is installed in accordance with specifications or instructions issued by the manufacturer of the unit.
- (2) This section does not apply to an advertising-enabled EV charging unit.
- (3) In this section—

***relevant public land*** means public land that—

  - (a) immediately adjoins a public road, and
  - (b) is adjacent to residential premises.

**2.124C Development permitted with consent—buildings used for recharging or exchanging batteries**

Development involving the erection of a building used for the purposes of recharging or exchanging the batteries of electric vehicles may be carried out with consent on land adjoining a public road—

- (a) in a prescribed zone, or
- (b) on which there is an existing service station, highway service centre or car washing facility.

**2.124D Exempt development—certain premises**

Development for the purposes of installing an EV charging unit is exempt development if—

- (a) the development complies with section 2.20, and
- (b) the unit is installed in one of the following—
  - (i) a bus depot,
  - (ii) a car park,
  - (iii) a car washing facility,
  - (iv) a highway service centre,
  - (v) a public administration building,
  - (vi) a road maintenance depot,
  - (vii) a service station, and
- (c) the unit is installed adjacent to an area where a motor vehicle may lawfully be parked, and
- (d) the unit complies with the following standards—
  - (i) AS/NZS 3000:2018, *Electrical installations*,
  - (ii) AS/NZS 4417.2:2020, *Regulatory compliance mark for electrical and electronic equipment, Part 2: Specific requirements for particular regulatory applications*,
  - (iii) if the unit is installed in a service station or highway service centre—AS/NZS IEC 60079.10.1:2022, *Explosive atmospheres, Part 10.1: Classification of areas—Explosive gas atmospheres*, and
- (e) the unit does not obstruct vehicular or pedestrian access to or from, or entry into, a building, and
- (f) the unit does not extend onto or above a public road, and
- (g) the unit is not installed on an electricity or lighting pole, and
- (h) for an advertising-enabled EV charging unit—the screen or display of the unit—
  - (i) is integrated within the frame of the unit, and
  - (ii) does not have a surface area greater than 3m<sup>2</sup>, and
  - (iii) complies with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
  - (iv) if illuminated—is not animated, flashing or moving.

**2.124E Exempt development—existing electricity or lighting poles**

Development for the purposes of installing an EV charging unit on an existing electricity or lighting pole carried out by or on behalf of an electricity supply authority or public authority is exempt development if—

- (a) the development complies with section 2.20, and
- (b) the unit is installed on, or attached to, an existing electricity or lighting pole that is—
  - (i) not a pole to which a transformer is attached, and
  - (ii) part of an electricity transmission or distribution network, and
  - (iii) adjacent to an area where a motor vehicle may lawfully be parked, and
- (c) the unit does not contain batteries capable of storing a total of more than 1kWh of energy, and
- (d) the unit does not obstruct the following—
  - (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,
  - (ii) cyclist or pedestrian movement along a cycleway or footpath, and
- (e) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant, and
- (f) the charging cables of the unit are able to be fully contained within the unit when the unit is not in use, and
- (g) when the charging cables of the unit are fully contained within the unit—
  - (i) the unit does not extend more than 300mm beyond the surface of the pole, and
  - (ii) no part of the unit extends onto or above a public road, and
- (h) for an advertising-enabled EV charging unit—the screen or display of the unit—
  - (i) is integrated within the frame of the unit, and
  - (ii) does not have a surface area greater than 3m<sup>2</sup>, and
  - (iii) complies with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
  - (iv) if illuminated—is not animated, flashing or moving.

**2.124F Exempt development—existing street furniture**

Development for the purposes of installing an EV charging unit carried out by or on behalf of a public authority is exempt development if—

- (a) the development complies with section 2.20, and
- (b) the unit is installed on, or attached to, an existing piece of street furniture, and
- (c) the unit is installed adjacent to an area where a motor vehicle may lawfully be parked, and
- (d) the unit complies with the following standards—
  - (i) AS/NZS 3000:2018, *Electrical installations*,
  - (ii) AS/NZS 4417.2:2020, *Regulatory compliance mark for electrical and electronic equipment, Part 2: Specific requirements for particular regulatory applications*, and
- (e) the unit does not obstruct the following—
  - (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,

- (ii) cyclist or pedestrian movement along a cycleway or footpath, and
- (f) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant, and
- (g) the charging cables of the unit are able to be fully contained within the unit when the unit is not in use, and
- (h) when the charging cables of the unit are fully contained within the unit, no part of the unit extends onto or above a public road, and
- (i) for an advertising-enabled EV charging unit—the screen or display of the unit—
  - (i) is integrated within the frame of the unit, and
  - (ii) does not have a surface area greater than 3m<sup>2</sup>, and
  - (iii) complies with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
  - (iv) if illuminated—is not animated, flashing or moving.