

# Preliminary Town Planning Report

## Electric Vehicle Charging Infrastructure Program

*Queensland Wide*



## Document History

Version	Date	Status	Key changes	Author	Reviewer
1.1	20.06.2023	Draft	Document development	LM	NW
1.2	20.06.2023	Draft	Document development	LM	AZ
1.3	23.06.2023	Final	Advice for simple retrofit existing carparks and reduced complexity of other information	LM	NW

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# 1 Introduction

QBuild Town Planning has been appointed to undertake preliminary investigations, on behalf of Queensland Government Accommodation Office (QGAO) in relation to the Electric Vehicle (EV) Charging Infrastructure Program.

The advice is not site-specific but provides general information about approval requirements for EV Charging Infrastructure generally across Queensland. The following broad scenarios are considered in this assessment:

- New charging station/s on Government-owned sites and for government use;
- New charging station/s on Government-owned sites and for public use (i.e. visitors to Government buildings); and
- New charging station/s on sites for public use.

The report will detail whether any development approval obligations arise as a result of the above scenarios, and any other obligations under the *Planning Act 2016* or other Acts regulating such land use activities in Queensland.

This report will detail risks and constraints relating to development and nominate additional studies or reports that may be required, either to inform design, prior to the commencement of works, or following as a consequence of development.

This report includes the following components:

- An overview of the different types of EV charging infrastructure included in this assessment;
- The brief overview of the regulatory requirements for establishing and operating EV charging infrastructure;
- Consideration of the development types that may result from the delivery of EV charging infrastructure, including building work, plumbing and drainage work, operational work and material change of use development;
- Identification of relevant planning provisions and use definitions affecting the delivery and operation of EV charging infrastructure.

The report has focused on land-based EV charging infrastructure for vehicles travelling on roads. Furthermore, the intent is for the investigations to also focus on the above scenarios where the EV charging infrastructure is provided free-of-charge.

This report has not included an assessment of requirements for EV charging infrastructure proposed for other transport modes, including those in maritime or tidal environments such as for boats, ferries and the like.




If your agency requires specific advice for  
an EV charging project please contact  
**[qbuildpstownplanning@epw.qld.gov.au](mailto:qbuildpstownplanning@epw.qld.gov.au)**

## 2 EV Charging Infrastructure

### 2.1 Infrastructure types

EV chargers are characterised by the amount of energy delivered to a vehicle's battery per unit of time. In Australia, there are three (3) general levels of chargers available, with Level 3 chargers being the fastest.

Different levels of chargers have very different power ratings and charge times for typical EVs, as summarised in the table below:<sup>1</sup>

Charger Level	Typical Power Supply	Example installation	Charge time
<b>Level 1 / Mode 2</b> 	Existing power point (10-15 Amp, single phase), used in combination with a specialised cable which is typically supplied with the vehicle	Standalone domestic homes	This charger adds between 10-20km of driving range per hour plugged in. It will top up daily use, but will not fully recharge a typical pure electric vehicle overnight
<b>Level 2 / Mode 3</b> 	A dedicated AC EV charger at up to 22kW (32 Amp, 3-phase)	Typically installed in homes, apartment complexes, workplaces, shopping centres, hotels etc. Anywhere the vehicle will be parked for a while.	This charger adds 40 – 100km of range per hour of charging, depending on the vehicle. It will top up average daily vehicle use in an hour, or deliver a full recharge overnight
<b>Level 3 / Mode 4</b> 	A dedicated DC EV charger at power levels from 25kW to 350kW (40-500 Amp, three phase)	Typically used in commercial premises and road-side locations to provide for faster recharging than Level 1 and 2 can achieve.	At the lower end, this method will add up to 150km of range per hour plugged in. At the upper end, this method can fully recharge some electric vehicles in 10-15 minutes.

As indicated above, Level 1 and Level 2 chargers are typically those found in residential settings, with some commercial uses due to ease of retrofitting to existing car parking areas.

The focus of this assessment is on the planning requirements for delivering Level 2 and Level 3 chargers. Level 1 chargers in domestic settings are considered unlikely to require any town planning approvals as they are unlikely to constitute any form of 'development'.<sup>2</sup>

<sup>1</sup> Electric Vehicle Council, Types of EV chargers – available at: [Charging - Electric Vehicle Council](#)

<sup>2</sup> Refer part 3 of this report for definition of development.

## 2.2 Regulatory Requirements

New and retrofitting of EV charging infrastructure should carefully consider relevant Australian and International Standards and Legislation applicable to this type of infrastructure.

This town planning assessment does not include details of all requirements; however reference is made to Appendix 5 of the *Queensland Charging Infrastructure Scheme Guideline* for a more comprehensive list of applicable requirements: <https://qrda.qld.gov.au/sites/default/files/2022-08/Guideline%20-%20Queensland%20Charging%20Infrastructure%20Scheme%20%28PDF%2C%20894KB%29.pdf>

In addition to these, depending on how the EV charging infrastructure is proposed to be located, the following may also be applicable considerations:

- Charging bays / car parking areas should be able to meet the Crime Prevention through Environmental Design (CPTED) principles, and have adequate lighting and safety for the security of EV drivers as well as the vehicles and hardware.
- The location of the hardware would consider the risk of vehicle impact and proximity to hazards such as dangerous fuels. The following Australian Standards may also be a relevant consideration: *AS1940 Hazardous Storage*, *AS60079.10 Hazardous Area Standards*.
- EV charging stations, particularly banks of Level 3 chargers, should be located near higher capacity transmission network infrastructure and/or near large scale grid renewable energy to ensure adequate and secure supply of electricity. Otherwise, introducing this infrastructure could require additional land use/planning approvals and tenure considerations to provide the necessary infrastructure to the location.
- Prior to installation, access to urban services including water, electricity and telecommunications infrastructure should be checked. EV charging stations often require Bluetooth and/or Wi-Fi connections. The location of existing service infrastructure can be checked by completing a Dial Before You Dig (DYBD) search.
- Where development involves ground disturbance, the internal alignment of plumbing / drainage and other service conduits should be ascertained from building records and considered as part of the development planning and design. Where development involves an intensification of the load on services, services capacity should be investigated as part of planning and design to ensure that the additional services load can be accommodated or determine upgrade requirements.
- Substantial upgrading of services has potential for other planning approvals to be required, e.g. it could trigger operational works or building works permits to be sought for the work.

### 3 EV Charging – Types of Development

Development in Queensland is typically regulated through local government planning schemes, with some development requiring referral to the State for assessment where required under the *Planning Regulation 2017*.

Development is typically assessed by local government, however depending on location, other authorities may be responsible for assessing development.

When considering adopting EV charging infrastructure, a first step is to define whether the work constitutes 'development' and if so, whether it involves building work, plumbing and drainage work, operational work, reconfiguring a lot or a material change of use or a combination of the above. Development definitions are provided below.

- **Where EV charging infrastructure is proposed to be installed to existing car parks without alteration to car park arrangements i.e. there is no change to access, manoeuvring and no reduction in carpark numbers or increases to the footprint of the carpark, it is likely that no town planning approvals are required.**
- **This is on the basis that the EV charging infrastructure will be provided free of charge to existing users of the car park, including staff and visitors that would normally visit the site.**

The above does not negate the need for checks by a licenced building certifier and licenced electrical tradesperson to be undertaken to ensure the safe installation of this infrastructure and ensure all necessary requirements to support the infrastructure are achieved.

Schedule 2 of the *Planning Act 2016* defines development as:

**development** means—

(a) Carrying out—

- (i) building work; or
- (ii) plumbing and drainage work; or
- (iii) operational work; or

(b) reconfiguring a lot; or

(c) making a material change of use of premises.

#### 3.1 Building work

Building work is further defined in Schedule 2 of the *Planning Act 2016* as meaning the following:

**building work**—

(a) means—

- (i) building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure; or
- (ii) works regulated under the building assessment provisions; or
- (iii) excavating or filling for, or incidental to, the activities stated in subparagraph (i) or
- (iv) excavating or filling that may adversely affect the stability of a building or other structure, whether on the premises or on which the building or other structure is situated or on adjacent premises; or
- (v) supporting (vertically or laterally) premises for activities stated in subparagraph (1).

For Queensland heritage places, the building work definition is broader and includes the following:

- (a) for a Queensland heritage place, includes—
- (i) altering, repairing, maintaining or moving a built, natural or landscape feature on the place; and
  - (ii) excavating, filling or other disturbances to premises that damage, expose or move archaeological artefacts, as defined under the Heritage Act, on the place; and
  - (iii) altering, repairing or removing artefacts that contribute to the place’s cultural heritage significance (furniture or fittings, for example); and
  - (iv) altering, repairing or removing building finishes that contribute to the place’s cultural heritage significance (paint, wallpaper or plaster, for example).

To determine any approval requirements for EV charging infrastructure, a check of the proposal against the relevant planning instrument for the site needs to be undertaken.

Different provisions can apply for development activities in the following areas:

- Priority Development Areas (PDA’s) - with development regulated under the *Economic Development Act 2012*:
  - There are 34 PDA’s currently affecting land and waters in Queensland. Information about these areas is available at: [Priority development areas | State Development, Infrastructure, Local Government and Planning](#)
  - Refer also to the PDA practice note on page 17 for additional information about requirements for establishing EV charging infrastructure in PDA.
- State Development Areas (SDA’s) – with development regulated under the *State Development and Public Works Organisation Act 1971*;
  - There are 12 SDA’s currently affecting land and waters in Queensland. Information about these is available at: [State development areas | State Development, Infrastructure, Local Government and Planning](#)

Where any alterations to existing buildings are required to establish an EV charging facility, a building permit is likely to be required and checks need to be undertaken with a suitably qualified building certifier to confirm any building permit requirements for the alterations.

Further advice on building work is provided in section 4.1.2 of this report. Planning approval for building work is unlikely to be required for work undertaken by the State or public sector entity.

Where EV charging infrastructure is proposed on a Queensland heritage place, it is likely that State approval is required for undertaking building work on the Queensland heritage place. Even minor alterations that are normally not classified as building work are likely to be classified as development in this instance.

For establishing EV charging infrastructure on Queensland heritage places, only very general advice is given as requirements depend on the heritage values of the site and how the works affect those values:

- It may be possible to provide EV charging infrastructure without the need for approval from the State / Department of Environment and Science (DES) if the works to install the EV charging infrastructure can comply with the General Exemption Certificate (GEC). The GEC is available at: [General Exemption Certificate: Queensland Heritage Places \(www.qld.gov.au\)](#). Refer to relevant sections being Section 3 ‘Conditions’, Section 4.4 ‘Services’ and Section 4.6 ‘Interior alterations’. There are no specific provisions of the GEC applicable to EV charging infrastructure. Where the GEC is not complied with, further planning advice will need to be sought as to an appropriate approval pathway for the work.



- Appropriate pathways may include either an application to DES for a Heritage Exemption Certificate (HEC) or alternatively a development application for development on a Queensland heritage place. The HEC may be an option if the development is classified as ‘low-impact’ in terms of impact to the heritage values of the place, i.e. not affecting the heritage values or affecting the heritage values of the place in a minor way. Development approval will be required for works that do not meet the ‘low-impact’ requirement of the HEC.
- Prior to installing EV charging infrastructure, it is recommended to seek town planning advice to determine appropriate approval pathways for development on Queensland heritage places.

For new development that involves building work, advice should be sought from the project architect and the building certifier for minimum requirements for EV charging infrastructure. The National Construction Code (NCC) includes requirements for new development to provide such infrastructure already and more building types may be required to be ready for EV charging in future.<sup>3</sup> The NCC Deemed to Satisfy provisions are also likely to include requirements for ensuring EV charging infrastructure is introduced safely into existing and new developments, given the significant risks presented by introducing such infrastructure into developments (i.e. risks associated with the presence of lithium batteries / increase fire risks).

The introduction of EV charging infrastructure may also require additional signage and carpark markings that will need to be designed to align with any relevant Australian standards and *Queensland Manual of Uniform Traffic Control Devices Part 6: Tourist and services signs*. Engineering input may be required to ensure these requirements are met.

### 3.2 Plumbing and drainage work

Plumbing work and drainage work are defined in the Schedule 1 of the *Plumbing and Drainage Act 2018*, Schedule 1.

**plumbing work includes—**

- Installing, changing, extending, disconnecting, taking away, maintaining and testing plumbing; and*
- Installing a water meter, as part of a water service provider’s infrastructure, to measure the volume of water supplied from the infrastructure to premises.*

**drainage work includes installing, changing, extending, disconnecting, taking away and maintaining—**

- drainage; or*
- a greywater use facility; or*
- an on-site sewage facility.*

Establishment of EV charging infrastructure is unlikely to involve development for plumbing or drainage work. However, the buildings or locations where EV charging infrastructure are provided could be altered to include work that may involve plumbing and drainage work. For example, if a new amenities block or water supply is to be provided at the EV charging site this may constitute plumbing and drainage work.

Plumbing and drainage work does not typically require development approval however plumbing and drainage works are required to be undertaken by a licenced professional (e.g. plumber) and other local government permits may be required. Where EV charging infrastructure is proposed and it requires additional infrastructure to support use of the site for EV charging, there is potential that this may constitute a change of use of the site or intensification of an existing use and require development approval for material change of use.

Advice on permit requirements for plumbing and drainage work should be sought from a licensed plumber. Requirements for permits will vary depending on the location and extent of works required to facilitate the

<sup>3</sup> National Construction Code ABCB Electric vehicles in buildings advisory note: [ABCB EV Guidance Document June 2023.pdf](#)

delivery of the EV charging infrastructure and whether augmentation to the council water or sewer network is required.

For Queensland heritage places, some plumbing and drainage works may fall within the definition of building work for Queensland heritage places and as such, plumbing and drainage work may (like building work) need to be undertaken via either GEC, HEC or a development application.

Plumbing and drainage work is listed in Schedule 6, Part 3 (8) of the *Planning Regulation 2017* as development a local planning instrument is prohibited from stating is assessable development if carried out by or for a public sector entity. This does not negate the need for plumbing and drainage permits as outlined above, but excludes that aspect of the work from requiring a development application.

### 3.3 Operational work

Operational work is defined in Schedule 2 of the *Planning Act 2016* as meaning:

**operational work** means work, other than building work or plumbing and drainage work in, on, over or under premises that materially affects premises or the use of premises.

Operational work is typically undertaken as a condition of a development approval for a material change of use, i.e. substantial works such as filling and excavation, road works, stormwater drainage (not house drainage), vegetation management, footpath works and other infrastructure may be required for a development.

Where a development does not constitute a material change of use, works to establish EV charging infrastructure may still constitute stand-alone operational work. For example, creating areas of hardstand for parking vehicles or manoeuvring vehicles or removal of vegetation may still be deemed to be operational work.

Operational work is listed in Schedule 6, Part 3 (8) of the *Planning Regulation 2017* as development a local planning instrument is prohibited from stating is assessable development if carried out by or for a public sector entity. Where operational work is required, appropriate due diligence including environmental assessment is required to address statutory requirements and policies in force for development, regardless of no development application being required. This is necessary to ensure any project is undertaken with regard to “General Environmental Duty” under Section 319 of the *Environmental Protection Act 1994*. The General Environmental Duty makes it an offence under the Act to carry out any activity that causes, or is likely to cause, environmental harm unless all reasonable and practical measures have been taken to prevent or minimise the potential harm.

To minimise environmental harm, it is necessary to assess what environmental conditions exist on-site and to identify potential environmental impacts of the proposed development.

#### 3.3.1 Minimising Environmental Harm

In addition to the *Environmental Protection Act 1994* all activities must comply with the relevant provisions of Commonwealth and State Legislation, Regulations and guidelines including but not limited to:

- *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) (Commonwealth)*;
- *Planning Act 2016*;
- *Planning Regulation 2017*;
- *Nature Conservation Act 1992 (NCA)*;
- *Vegetation Management Act 1999 (VMA)*;
- *Biosecurity Act 2014*;

- *Water Act 2000*;
- *Queensland Heritage Act 1992*;
- *Aboriginal Cultural Heritage Act 2003 (ACHA) and Duty of Care Guidelines*;
- *Coastal Protection and Management Act 1995*;
- *State Government Supported Infrastructure Koala Conservation Policy April 2023*;
- *Queensland Environmental Offsets Act 2014*; and
- *Nature Conservation (Wildlife Management) Regulation 2006*.

### 3.3.2 Heritage and Native Title

#### Cultural Heritage

In accordance with the *Aboriginal Cultural Heritage Act 2003 (ACHA)*, s28 duty of care requirements, the developer is required to identify reasonable and practicable measures for ensuring activities are managed to avoid Aboriginal cultural heritage.

Where EV charging infrastructure looks to expand into undisturbed areas, a Cultural Heritage Assessment may be required to determine any duty of care requirements.

#### Native Title

Native title recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people in accordance with the *Native Title Act 1993*.

For any development but particularly for development that extends a development footprint into new areas, Native Title rights and interests should be investigated by the project proponent prior to any works commencing on site. For State-land, Native title rights and interests are often not extinguished and agreements may need to be entered into with Native title parties to ensure traditional rights and interests are addressed.

## 3.4 Reconfiguring a Lot

Reconfiguring a lot is defined in Schedule 2 of the *Planning Act 2016* as meaning:

**reconfiguring a lot means—**

- (a) *creating lots by subdividing another lot; or*
- (b) *amalgamating 2 or more lots; or*
- (c) *rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or*
- (d) *dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—*
  - (i) *a lease for a term, including renewal options, not exceeding 10 years; or*
  - (ii) *an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997; or*
- (e) *creating an easement giving access to a lot from a constructed road.*

The establishment of EV charging infrastructure may require land to be reconfigured. For example, should such infrastructure be proposed to be located in a gazetted road reserve adjoining a constructed road

(e.g. roadside), the infrastructure may not be consistent with the tenure of land for 'road' and may require acquisition or other land titling arrangement that meets the definition of reconfiguring a lot.

Should the infrastructure be proposed on state land such as reserve land which is set aside for specific public or community purposes (e.g. parks, sporting uses, showgrounds, cemeteries, drainage and open space), if the proposed use of the land is inconsistent with the establishment of EV charging infrastructure then alternative tenure arrangements may need to be entered into.

In any instance where non-freehold state land is proposed to be used for EV charging infrastructure, checks should be undertaken with the landowner (usually the Department of Resources) to confirm agreement for the land to be used for the proposed purpose and to confirm any tenure arrangements needing to be entered into. Checks should also be undertaken to confirm any required arrangements do not require development approval for reconfiguring a lot. Native title checks should also be undertaken at this time.

Where land is required to be reconfigured, there is no difference whether the land is government-owned or privately owned land, i.e. there are no applicable public sector entity exclusions, except for circumstances where land is taken under the Acquisition Act.

### 3.5 Material Change of Use of Premises

Under the *Planning Act 2016* a material change of use of premises is defined as per the definition for material change of use in the *Planning Act 2016*, Schedule 2. Development in SDAs and PDAs also refers out to this definition:

*A material change of use of premises, means any of the following—*

- *the start of a new use of the premises;*
- *the re-establishment on the premises of a use that has been abandoned;*
- *a material increases in the intensity or scale of the use of the premises.*

With respect to the scenarios for this Report, any introduction of new EV charging infrastructure should be undertaken with consideration of the following.

#### 3.5.1 Retrofitting new EV Charging Infrastructure to Existing Buildings:

- Where EV charging infrastructure is proposed to be installed to existing car parks without alteration to car park arrangements i.e. there is no change to access, manoeuvring and no reduction in carpark numbers or increases to the footprint of the carpark, it is likely that no town planning approvals are required.
- This is on the basis that the EV charging infrastructure will be provided free of charge to existing users of the car park, including staff and visitors that would normally visit the site.
- Where the above requirements are not met i.e. car park numbers may reduce, access arrangements to carparks will be altered or EV charging will not be free of charge, the following items need to be considered:
  - What is the underlying land use approval for the existing development? A planning and development certificate may need to be sought from the local government to find these records.
  - Existing buildings and their associated car parking and manoeuvring areas are likely to have a development permit that approved the development. These conditions may regulate the minimum number of car parking spaces required for the development or may condition other car parking, access and manoeuvring arrangements. Care should be taken to ensure any proposed alterations to car park numbers and parking and manoeuvring arrangements as a result of introducing EV charging infrastructure are consistent with the underlying approval. Advice may be required to be

sought from the local government as to whether the proposal for retrofitting EV charging infrastructure is consistent with the underlying approval.

- For example, an office or other type of land use approval may not enable the installation of commercial/for a fee charging infrastructure, particularly if existing car parking areas are required to be expanded. Depending on the scale and intent of such infrastructure, the local government may deem this new infrastructure a *Service station* use, which may require development approval.
- Where the proposal shows some inconsistency with the underlying land use approval or land use records are not available, planning advice should be sought to confirm how the inconsistency or the changes should be addressed, i.e. a new development permit or change to existing approval may be required.

### 3.5.2 Introducing new EV Charging Infrastructure on Government-owned Land for Government Use:

- Is the proposal consistent with the tenure of the land?

For example, is the land a reserve for a public purpose and the EV charging infrastructure is not an anticipated use of the land? e.g. reserve for conservation/ environmental purposes.

- Is the proposal likely to be the start of a new use of the premises?
  - For example will vacant land transition to an EV charging facility?
- Is the site an existing formal or informal car park and will the introduction of EV charging infrastructure be likely to result in additional traffic movements to and from the site?
  - Determination of the above will depend on the scale of the proposed infrastructure/ number of EV chargers. An assessment needs to be undertaken to check if the proposal constitutes a material change of use. Care should also be taken where transitioning informal car parking areas – have they been established lawfully? If not, these may need to be considered as vacant sites for the purpose of establishing approvals requirements.
- For introducing new EV charging infrastructure which requires new access, car parking and manoeuvring areas to be established, this is likely to constitute a material change of use of premises and development approval may be required.

### 3.5.3 Introducing new EV Charging Infrastructure for Government-owned Sites and for Public Use:

- In terms of planning/ statutory approval requirements, there is no difference whether sites are used for employees or for visitors to government-owned sites.
- Providing EV Charging Infrastructure that includes 'selling' may meet the definition of a Service station.<sup>4</sup> Thus any commercial use of the infrastructure may constitute a change of use, e.g. an existing office may need to transition to Office and Service station. Where a free EV Charging facility is provided in government owned buildings for public use, other changes may need to be made to access and car parking areas so as to limit or restrict use of the car park for free charging. Any underlying development approval needs to be checked to ensure the proposed changes required in order to facilitate the delivery of the EV charging infrastructure is consistent with any existing development approvals/development approval conditions pertaining to the site.

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<sup>4</sup> For use definitions, refer Section 5 of this report.

- Should an existing land use approval be found to be inconsistent with the proposal, planning advice should be sought to confirm how to address the inconsistency. Either a new development approval or change to an existing approval may be required.

#### 3.5.4 New EV Charging Stations On-Site for Public Use:

- Checks will need to be made to determine if the proposal is consistent with the tenure of the land.
- New EV charging infrastructure that requires the establishment of new access, carparks and manoeuvring areas and other associated infrastructure is likely to constitute a material change of use of premises. Depending on the location and how the infrastructure will be operated, e.g. if provided on a commercial basis requiring payment of the service or if a free service, and the scale of the proposal, will guide planning requirements for how that infrastructure can be delivered.
- As indicated, the introduction of small-scale EV charging infrastructure in locations with existing car parks may be deemed to be consistent with the existing use of the site or of such scale (relatively small scale) that it is ancillary to the existing use. However, some local governments may determine the new EV charging stations constitutes a Service station or Parking station.

#### 3.5.5 General Considerations – All Scenarios:

Town planning checks, building certification checks and electrical permit requirement checks should be made to determine whether the introduction of EV charging infrastructure is appropriate for a proposed location.

Where retrofitting existing car parks to provide free EV charging without alteration to car park arrangements i.e. there is no change to access, manoeuvring and no reduction in carpark numbers or increases to the footprint of the carpark, it is likely that no town planning approvals are required.

Many basement and underground car parking areas within existing buildings may have requirements for electrical infrastructure to achieve flood immunity to ensure they are still operational during flood events. Older buildings basement carparks may not have sufficient flood immunity to ensure the EV charging equipment remains flood free or that users of the infrastructure can access the charging equipment during or after a flood event or can safely exit the car park during a flood event (i.e. access and exit ramps may not be sufficiently immune from flood impacts). Some development approval conditions may require electrical infrastructure to be located above certain defined flood levels. It is generally recommended to check underlying land use approvals to understand these requirements.

Other locations may be subject to environmental hazards and constraints, e.g. flood, bushfire, land contamination, access constraints to name a few, that may result in some locations being undesirable for placement of EV charging infrastructure.

Sites subject to bushfire hazards may require surrounding land to be cleared of vegetation to reduce bushfire impact. This may result in environmental impacts beyond the footprint of the site. Mitigating hazards through vegetation clearing may still not sufficiently address risk of hazards impacts with resulting ongoing maintenance/replacement and repair cost implications.

Sites with known environmental constraints should be avoided, for example land that includes regulated vegetation and/ or provides habitat for protected flora and/ or fauna should be avoided. Where environmental impacts are indicated, other permits and requirements may apply.

Some sites may have limitations in terms of providing safe access to and from the site. Blind corners, insufficient turning lane provisions into and out of the facility, accesses directly via higher order roads and accesses proposed on limited access roads (to name a few) are likely to represent constraints to finding suitable sites for introducing EV charging infrastructure. Traffic Impact Assessments may be required to be prepared, depending on scale of development, location and existing site characteristics, proposed access arrangements and the like.



Where EV charging infrastructure requires new access points from local or State roads, other approvals are also likely to be required from the road operator, being the relevant local government or the Department of Transport and Main Roads.

EV charging infrastructure can have substantial electricity demand and establishing new, upgrading or augmentation of existing electricity infrastructure networks could be required. Depending on what is required to provide sufficient electricity to the site, other approvals may be required to facilitate the provision of electricity (and potentially other services such as telecommunications infrastructure) to sites.

Where a building certifier and licensed electrician has determined that a site may be suitable for delivery of EV charging infrastructure and they indicate no planning approvals are required, planning due diligence is still recommended to be undertaken to confirm there are no planning approvals required.

## 4 Planning Scheme Requirements

### 4.1 Assessable and Accepted Development

#### 4.1.1 Development a local categorising instrument is prohibited from stating is assessable development:

Certain types of development are categorised in Schedule 6 of the *Planning Regulation 2017* as *development local categorising instrument is prohibited from stating is assessable development*.

The types of development included in Schedule 6 include certain types of building work, operational work, plumbing and drainage work, reconfiguring a lot and material change of use. Part 5 of Schedule 6 also includes a raft of 'other development' that cannot be made assessable under a local categorising instrument.

There are no specific provisions in Schedule 6, Part 5 applying for EV charging infrastructure. Therefore, the requirements of the relevant planning scheme for the area will guide requirements for establishing EV charging infrastructure.

EV charging infrastructure is also not considered to meet the definition for *ancillary works and encroachments* (Schedule 6, Part 5, Item 26 (1)).

EV charging infrastructure is also not considered to meet the definition of *government supported infrastructure, road transport infrastructure or transport infrastructure* as identified in Schedule 6, Part 5, Item 26 (2).

For EV charging sites proposed to be provided on local or State government roads, Town planning advice is required to be sought and the local government planning scheme requirements (or other assessment manager where applicable for an SDA or PDA) will apply. The Department of Resources will also need to be consulted to confirm any tenure requirements.

#### 4.1.2 Accepted development

Schedule 7, Part 1 to 4 of the *Planning Regulation 2017* lists development that is Accepted development.

Any development listed in Parts 1 – 4 is Accepted development and does not require planning approval.

Where a planning scheme indicates development is assessable, but the development meets Schedule 7, Part 1 to 4 of the *Planning Regulation 2017*, the Regulation prevails.

Of relevance to EV Charging infrastructure is:

- Schedule 7, Part 1 (2) Building work, is accepted development if undertaken by or for the State or public sector entity, to the extent the building work complies with the relevant provisions of the building work:

- building work must comply with the relevant building work provisions applicable to the development, for example the Building Codes of Australia or relevant acceptable solution under the Queensland Development Code (amongst other things).

There are no other Accepted development provisions that would apply to EV charging infrastructure and therefore the development can be made assessable and any relevant planning scheme provisions for the establishment of the EV charging infrastructure would apply to the development.

## 5 Applicable Use Definitions

Where EV charging infrastructure is proposed to be provided and is found to constitute a material change of use, the level of assessment/ type of approval required will be as identified by the relevant planning scheme for the area, the zone and overlays applying to the premises and dependant on the use definition.

Schedule 24 of the *Planning Regulation 2017* includes the following relevant use definitions that may apply to an EV charging station:

**service station** means the use of premises for

- (a) selling fuel, including, for example, petrol, liquid petroleum gas, automotive distillate or alternative fuels; or
- (b) a food and drink outlet, shop, trailer hire, or maintaining, repairing, servicing or washing vehicles, if the use is ancillary to the use in paragraph (a).

Where the proposed EV charging facility intends to ‘sell’ the fuel (i.e. the electricity), the use may constitute a service station.

For example, *Brisbane City Council City Plan 2014* defines **Service station** as:

Column 1 Use term	Column 2 Use definition	Column 3 Examples include
Service station <small>Editor's note—The use term is defined in the <a href="#">Planning Regulation 2017 - Regulated Requirements</a></small>	Service station means the use of premises for— a. selling fuel, including, for example, petrol, liquid petroleum gas, automotive distillate or alternative fuels; or b. a food and drink outlet, shop, trailer hire, or maintaining, repairing, servicing or washing vehicles, if the use is ancillary to the use in paragraph (a).	Electric charging station

Alternatively, if EV charging infrastructure is proposed to be established, the use may be considered to be a **Parking station**. This definition may apply where the EV charging facility does not involve ‘selling’, i.e. if free charging is provided.

**Parking station** means the use of premises for parking vehicles, other than parking that is ancillary to another use.

*Brisbane City Council City Plan 2014* defines **Parking station** as:

Parking station <small>Editor's note—The use term is defined in the <a href="#">Planning Regulation 2017 - Regulated Requirements</a></small>	Parking station means the use of premises for parking vehicles, other than parking that is ancillary to another use.	Car park, ‘park and ride’, bicycle parking
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Alternatively, if a local government planning scheme does not apply over an area, development may be regulated under a PDA development scheme or SDA development scheme. Use definitions in these areas typically refer out to the relevant planning scheme for the area, or may also refer out to the *Planning Regulation 2017*.

For PDAs, the rollout of EV charging infrastructure is facilitated through development schemes and a practice note *Electric Vehicle (EV) Charging Infrastructure*, dated November 2018 and prepared by



Economic Development Queensland has been prepared to assist users to determine planning requirements in these areas.<sup>5</sup>

This practice note indicates that installing chargers to an existing car park is ancillary to the purpose of the car park and therefore would not instigate any need for planning development applications. However the practice note does indicate that planning for new development of EV charging infrastructure and associated uses would need to be considered based on the land use zoning of the site. It considers that charging locations should have safe and easy access to restrooms and refreshments such as eateries and cafes, that are preferably open 24 hours per day. Thus, the EV charging facilities would be incorporated into larger development and form part of any land use approvals for that development.

Generally, any proposed EV charging infrastructure should be checked against the relevant planning scheme requirements for the area and confirmation should be sought from the local government as to the definition for the proposal.

Information about the location, scale of the development and supporting infrastructure needs to establish the infrastructure should be provided to the local government and formal pre-lodgement advice provided.

Checks should also be made to confirm any referral requirements for state matters, as regulated under Schedule 10 of the *Planning Regulation 2017*.

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<sup>5</sup> [Electric vehicle charging infrastructure \(statedevelopment.qld.gov.au\)](http://statedevelopment.qld.gov.au)

## 6 Conclusion

Planning requirements for introducing EV charging infrastructure will vary widely, depending on the scale of the development, location, status of underlying development approvals, jurisdiction (e.g. PDA, SDA or local government), availability of existing infrastructure to connect into, environmental attributes of the site, and tenure of the site. The latter will guide what tenure arrangements or agreements may need to be entered into.

Where free EV charging infrastructure is proposed to be installed to car parks without alteration to car park arrangements i.e. there is no change to access, manoeuvring and no reduction in carpark numbers or increases to the footprint of the carpark, it is likely that no town planning approvals are required.

It is essential that any EV charging project undertake the necessary due diligence checks. This should include:

- Town planning confirmation that no town planning approvals are required. Refer QBuild below.
- Checking the underlying land use approvals that may exist over the site to confirm if the proposal is consistent with any requirements;
- Checking building permit and other permit requirements (e.g. electrical and plumbing permits);
- Ensuring appropriate tenure over the site and undertaking any necessary arrangements to establish an appropriate tenure;
- Undertaking a cultural heritage assessment of the site, to ensure duty of care as per the requirements of the *Heritage Act 2012*;
- Undertaking a Native title investigation of the site, to ensure the traditional rights and interests under the *Native Title Act 1993* are complied with;
- Checking any local and state planning requirements that may apply to the site and establishing an appropriate planning approval pathway where a development application is required. Liaison with the local government or other assessing authority depending on the location may be required;
- Checking for any State and Commonwealth environmental requirements that may apply to the project and undertaking appropriate due diligence to ensure no environmental harm;
- Checking for any other permits that may be required e.g. driveway or access permits from local or State government.

Other considerations should also form part of the feasibility for the project and have not been detailed in this assessment. This assessment is limited to a high-level statutory requirement focus to guide if and when town planning approval may be required or when further advice should be sought.

If your agency requires specific advice for  
an EV charging project please contact  
**[qbuildpstownplanning@epw.qld.gov.au](mailto:qbuildpstownplanning@epw.qld.gov.au)**