



New South Wales

State Environmental Planning Policy (Building Sustainability Index: BASIX) Amendment Policy 2005

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* in accordance with the recommendation made by the Minister for Planning. (S03/02434)

FRANK SARTOR, M.P.,
Minister for Planning

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under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Building Sustainability Index: BASIX) Amendment Policy 2005*.

2 Commencement

This Policy commences on 1 October 2005.

3 Aims of Policy

- (1) Regulations under the *Environmental Planning and Assessment Act 1979* have extended the BASIX scheme under those regulations to new forms of residential development, including development for both residential and non-residential purposes (*mixed-use development*).
- (2) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* displaces certain provisions of other environmental planning instruments and development control plans in relation to buildings to which the BASIX scheme applies.
- (3) The aim of this Policy is to amend *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* so as to provide that such provisions are not displaced in relation to the non-residential component of mixed-use development.

4 Land to which Policy applies

This Policy applies to the whole of the State, including Lord Howe Island.

5 Amendment of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 5)

[1] Clause 5

Omit the clause. Insert instead:

5 Land to which Policy applies

This Policy applies to the whole of the State, including Lord Howe Island.

[2] Clause 8 Other environmental planning instruments do not apply to BASIX commitments

Insert at the end of clause 8 (after the note):

- (2) If the development concerned involves the erection of a building for both residential and non-residential purposes, or the change of use of a building to both residential and non-residential purposes, subclause (1) does not displace the competing provisions to the extent to which they apply to the part of the development that is intended to be used for non-residential purposes.

[3] Clause 9 Development control plans do not apply to BASIX commitments

Insert at the end of clause 9:

- (2) If the development concerned involves the erection of a building for both residential and non-residential purposes, or the change of use of a building to both residential and non-residential purposes, subclause (1) does not displace the competing provisions to the extent to which they apply to the part of the development that is intended to be used for non-residential purposes.

[4] Clause 10 SEPP 1 does not allow departures from BASIX commitments

Insert "or for the land on which such a building is situated" after "applies".