



Property Alert March 2008

Is Your New Residential Development “BASIX” Compliant?

“ The drought may have ended, but restrictions on water consumption still apply. Australia has also now ratified the Kyoto Protocol making reductions in greenhouse gas emissions even more important. Mandatory sustainability targets for residential developments are now in force across NSW in an effort to reduce water consumption, reduce greenhouse gas emissions and encourage energy efficiency.”

What is BASIX?

The *Environmental Planning & Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 (BASIX Regulation)* commenced on 1 July 2004. This Regulation established a scheme under which certain types of residential development applications must be accompanied by a BASIX Certificate indicating compliance with mandatory targets and containing a list of commitments about the sustainability measures to be taken in relation to the development. Sustainability measures are measures to improve the capacity of the development to reduce consumption of mains-supplied potable water, to reduce emissions of greenhouse gases and to perform in a thermally efficient manner. If the development application is approved, fulfilment of such commitments will become a condition of the relevant development consent or complying development certificate.

The *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)* also commenced on 1 July 2004 and operates in conjunction with the BASIX Regulation. The aim of the BASIX SEPP is to ensure that the BASIX Scheme is the only system of assessment with respect to certain aspects of sustainable residential development, by prevailing over any other environmental planning instrument that seeks to achieve the same objectives as BASIX. The BASIX SEPP also provides that “SEPP 1 – Development Standards”, which ordinarily enables applicants to obtain exceptions to development standards where they would be unreasonable or unnecessary, does not apply and cannot be used to vary BASIX commitments.

Who does BASIX Affect?

The BASIX Regulation has been rolled out gradually since 2004, and now affects all residential development applications, and certain applications for alterations and additions to existing developments, as set out below:

- From 1 July 2004 it applied to all local government areas in Sydney;
- From 1 July 2005 it applied to all land within New South Wales;
- From 1 October 2006 it applied to all residential development applications;
- From 1 July 2007 it applied to certain development applications for alterations and additions to existing residential developments valued at \$50,000 or more.

The BASIX Regulation also requires that any application to modify a BASIX affected development consent under s96 of the *Environmental Planning & Assessment Act 1979* must be accompanied by a BASIX Certificate.

How does BASIX affect my development?

The Building Sustainability Index (**BASIX**) imposes mandatory targets on new residential developments to promote sustainable development and to:

- reduce water consumption;
- reduce greenhouse gas emissions; and
- encourage energy efficiency.

The mandatory sustainability targets provided by BASIX are as below:



• **Reduce water consumption.** The water target ranges from 0 – 40% across NSW, depending on the location of the house or unit. 90% of new homes are covered by the 40% water target and no new home built in NSW will use more than the current State average.

• **Reduce greenhouse gas emissions and improve energy efficiency.** The BASIX energy target ranges from 5 – 40% and varies depending on building type and location. The average greenhouse gas reduction for all building types across NSW will be 36%.

BASIX provides developers with flexibility to achieve compliance with the sustainability targets through a variety of means tailored to the particular development.

For example, means to reduce water consumption include:

- rain water tanks;
- recycled water systems;

- water efficiency tap fittings, shower heads and toilet flushing mechanisms;
- water efficiency washing machines and dishwashers; and
- garden irrigation.

Means to reduce greenhouse gas emissions and energy consumption include:

- solar hot water systems;
- energy efficient lighting;
- insulation;
- performance glazing;
- high efficiency air conditioning; and
- ceiling fans.

BASIX supersedes the star rating system under the Sustainable Energy Development Authority Energy Smart Homes Policy.

What steps should be taken?

If you are planning any new residential development in NSW, or alterations or additions to an existing residential development, you must familiarise yourself with the BASIX requirements, and ensure that you comply. Every new residential development application or modification application must be accompanied by a BASIX Certificate, failing which Council will not approve your application.

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