



New South Wales

Environmental Planning and Assessment Amendment (Owner's Consent and BASIX Certificates) Regulation 2021

under the

Environmental Planning and Assessment Act 1979

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

ROB STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The objects of this Regulation are as follows—

- (a) to provide that the consent of the land owner is not required for infrastructure applications or modification requests relating to certain State significant infrastructure,
- (b) to require that a development application for State significant development must be accompanied by a BASIX certificate if the application is for BASIX affected development.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Owner's Consent and BASIX Certificates) Regulation 2021*.

2 Commencement

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

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[1] Clause 50 How must a development application be made?

Insert after clause 50(1AA)(b)—

- (b1) if the development application is for BASIX affected development—
accompanied by the documents specified in Schedule 1, Part 1A, and

[2] Clause 55A Amendments with respect to BASIX commitments

Omit “clause 2A of Schedule 1” from clause 55A(1) wherever occurring.

Insert instead “Schedule 1, clause 2A or 2B”.

[3] Clause 193 Owner’s consent or notification

Insert after clause 193(1)(c)—

- (d) development for a purpose specified in *State Environmental Planning Policy (State and Regional Development) 2011*, Schedule 1, clause 5(1)–(4).

[4] Schedule 1 Forms

Insert after Part 1—

Part 1A Development applications for State significant development

2B BASIX certificate required for certain development

- (1) A development application for BASIX affected development must be accompanied by a BASIX certificate for the development that is issued no earlier than 3 months before the date on which the application is made.
- (2) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than 1 dwelling, a separate BASIX certificate is required for each dwelling.