



New South Wales

# Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2006

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*.

FRANK SARTOR, M.P.,  
Minister for Planning

## Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* to require certifying authorities who issue final occupation certificates with respect to certain BASIX (or Building Sustainability Index) affected buildings to apply to the Director-General of the Department of Planning for a “BASIX completion receipt”.

The amendments commence on 1 July 2006. They apply only with respect to a BASIX affected building for which a final occupation certificate is issued on or after 1 July 2006.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general regulation-making power).

**2006 No 362**

Clause 1 Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2006

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**Environmental Planning and Assessment Amendment  
(Building Sustainability Index: BASIX) Regulation 2006**

under the

Environmental Planning and Assessment Act 1979

**1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2006*.

**2 Commencement**

This Regulation commences on 1 July 2006.

**3 Amendment of Environmental Planning and Assessment Regulation 2000**

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 154C

Insert after clause 154B:

#### 154C BASIX completion receipt

- (1) Within 2 days after issuing a final occupation certificate for a BASIX affected building to which clause 154B applies, or for part of such a building, the certifying authority must apply to the Director-General for a BASIX completion receipt with respect to that building or part.
- (2) An application for a BASIX completion receipt must be made in the manner notified in writing to certifying authorities by the Director-General and must contain the following information:
  - (a) the number of the relevant BASIX certificate for the building or part of a building,
  - (b) the postcode of the address of the building,
  - (c) the date of issue of the final occupation certificate,
  - (d) such other information (if any) as the Director-General may determine and is notified in writing to certifying authorities.
- (3) The Director-General may issue a BASIX completion receipt:
  - (a) by means of a computerised system, as approved from time to time by the Director-General, being a system to which certifying authorities are given on-line access, whether over the internet or otherwise, or
  - (b) by such other means as the Director-General may approve from time to time.
- (4) A BASIX completion receipt is to confirm that the information required to be provided by a certifying authority under this clause has been provided.
- (5) A BASIX completion receipt is to be in such form, and contain such other information, as the Director-General may approve from time to time.

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Schedule 1 Amendments

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### [2] Clause 286AA

Insert after clause 286A:

#### **286AA Savings and transitional provision: introduction of BASIX completion receipt**

The amendments to this Regulation made by the *Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2006* apply only in respect of the issuing of a final occupation certificate for a BASIX affected building, or for part of such a building, on or after 1 July 2006.

**Note.** An existing building may become a BASIX affected building by a change of building use. Under the Act, a final occupation certificate can be issued to authorise a person to commence a new use of an existing building resulting from a change of building use.

BY AUTHORITY

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