



Environmental  
Defenders Office



# Electrify your Council- legal questions

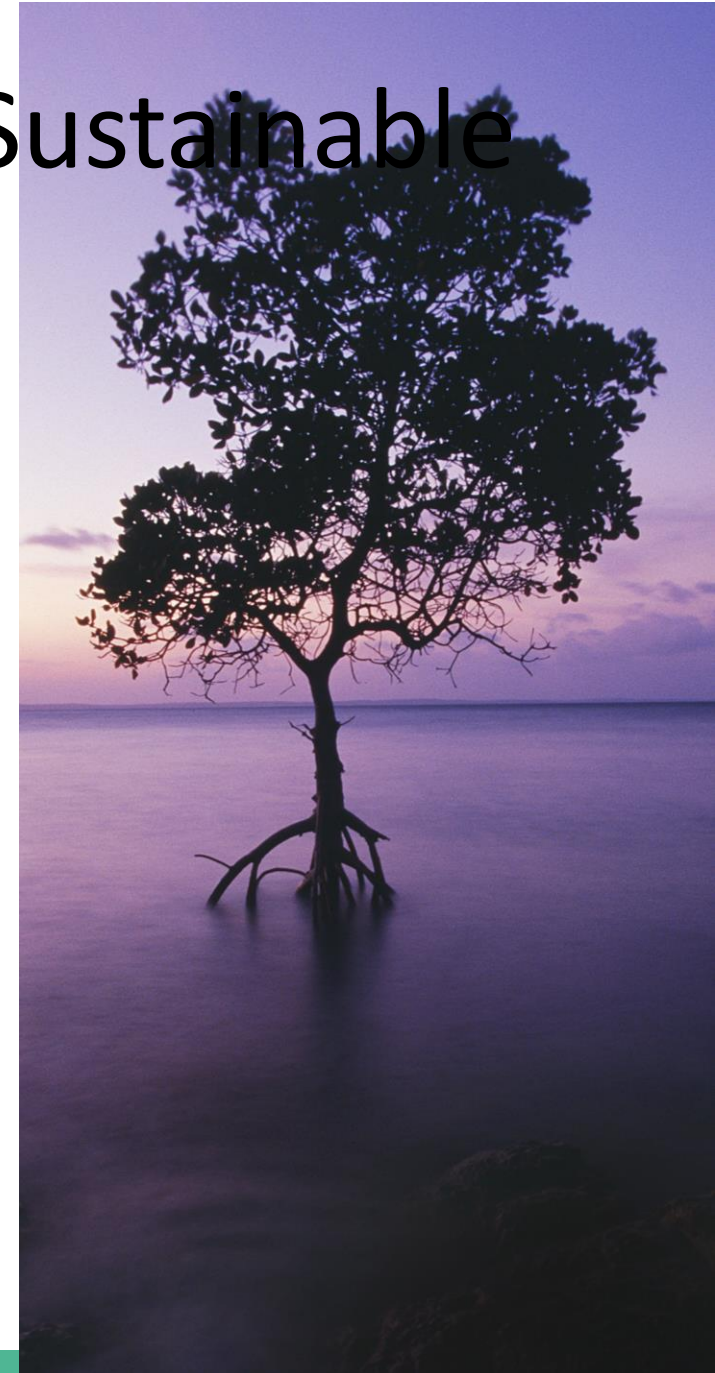
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Commercial)

# Electrifying your Council- Building SEPP

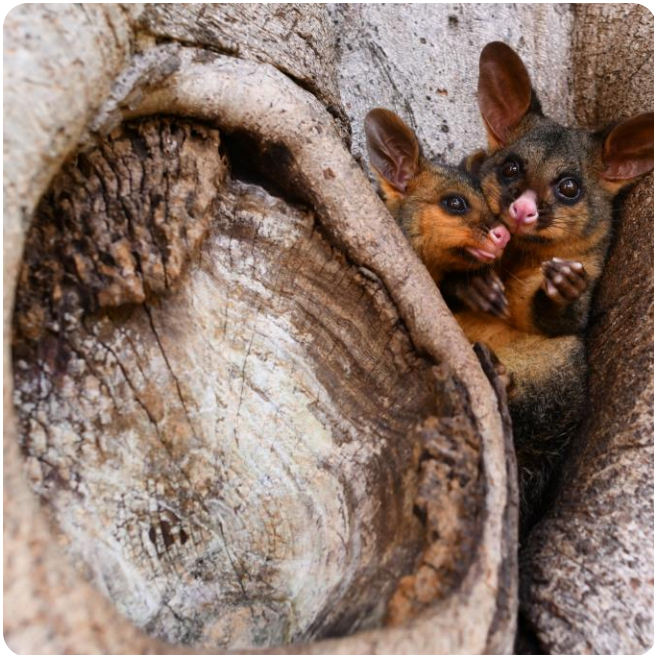
- The State Environmental Planning Policy (Sustainable Buildings) 2022 known as Sustainable Buildings SEPP came into effect on 1 October 2023
- It's aim is to reduce greenhouse gas emissions and ensure consistent assessment of sustainable building
- It incentivises the taking of voluntary action or non-mandatory requirements which result in the reduction of greenhouse gas emissions.
- It provides minimum baseline standards working together with BASIX

[www.edo.org.au](http://www.edo.org.au)

## Sustainable



# Latest BASIX updates



BASIX is designed to be fuel agnostic and doesn't specify whether gas appliances should be used

While it allows for choice there is an overall move to electrification of buildings

The latest guidance material states that all electric alternatives should be used for cooking and heating as it is not consistent with reducing emissions.

It states for example that heat pumps are the most efficient way to heat hot water.



# Does Revised Sustainable Building SEPP prohibit councils going all electric?

The Sustainable Building SEPP states that a competing provision in a DCP are of no effect if they aim to reduce greenhouse gas emissions. It applies to residential development (except over 5 storeys or commercial)

However this provision does not stop Councils seeking to rely on other reasons to electrify buildings such as reducing indoor and outdoor air pollutants associated with gas or costs of gas connections



# Is Lane Cove Council's new DCP consistent with Sustainable Building SEPP?

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Council relied on the express objectives of health (indoor and outdoor air quality) and reducing energy costs to base its electrification DCP

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The Lane Cove DCP is a broader ban than Waverley's DCP which focused on indoor air quality and indoor appliances



# How binding is a DCP?

NSW planning law operates primarily through State Environmental Planning Policies and the Standard Local Environment Plans

Council in support of the LEP can provide further guidance through Development Control Plans

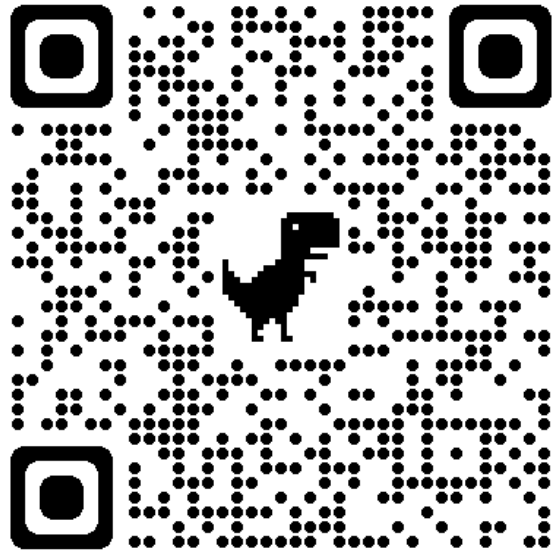
While DCPs are not statutory requirements they are to be considered when determining a development application





Questions?





Thank you.

