

Transitional arrangements for generating a BASIX certificate

This document outlines transitional arrangements for generating a BASIX certificate for building contracts signed before 1 October 2023.

Increased BASIX standards do not apply to a BASIX certificate already submitted with a development application or lodged with a complying development certificate before 1 October 2023. BASIX certificates also have a three-month validity period in which they may be submitted with a DA or CDC. For example, BASIX certificates generated on 30 September 2023 may be submitted with a DA or CDC up until 30 December 2023.

Additional arrangements apply to new home buyers who are already in the process of building a new home and have signed a building contract on or before 30 September 2023. They will be able to submit a development application or lodge a complying development certificate using the BASIX standards that applied before 1 October 2023.

Terms and conditions for the additional arrangements

Eligibility criteria

New home buyers who have entered into a building contract may be subject to the BASIX standards that applied before 1 October 2023, provided:

- the contract was signed on or before 30 September 2023
- the contract clearly specifies the design and specifications of the home to which the contract applies
- the contract is subject to the payment of a deposit.

Eligible housing types

Detached dwellings and dual occupancy developments that satisfy the criteria are eligible for these additional transitional arrangements.

New apartment buildings are not eligible.

Eligible time period

Applications to use pre-1 October 2023 BASIX standards will only be accepted on or after 1 October 2023.

In addition, eligible applicants must generate a BASIX certificate by 30 June 2024.

They must also submit the BASIX certificate with a development application or lodge it with a complying development certificate, within the three-month validity period from date of issue.

Application process

To qualify for these additional transitional arrangements, applicants must submit the following information before they commence a new BASIX application for the home:

- the home building site address, including suburb and postcode
- the builder's name/company and builder's licence number
- a signed and dated copy of the building contract that complies with the requirements of the *Home Building Act 1989*.

This information will be assessed by the Department of Planning and Environment to verify that the project is eligible to use BASIX standards that applied before 1 October 2023.

If eligible, the applicant will be notified by the department and invited to commence their BASIX application and generate a BASIX certificate.

If not eligible, the applicant will be notified that they are not eligible and invited to create a BASIX application subject to the higher BASIX standards.

Terms and conditions of use for the NSW Planning Portal also apply.