

Applying to use the pre-1 October 2023 BASIX standards

This document outlines how to apply to use the pre-1 October BASIX standards if you signed a building contract for a new house or duplex on or before 30 September 2023. These limited transitional arrangements are only available until 30 September 2024.

Last updated: 23 February 2024

Eligibility criteria

New home buyers who have entered into a building contract may be able to use the pre-1 October 2023 standards, provided that all of the following criteria are met:

- the contract was signed on or before 30 September 2023
- the contract includes the agreed price
- the contract clearly specifies the design and specifications of the home the contract applies to – the documentation supplied must clearly show that the contract is for a single dwelling or dual occupancy, and show the location of the proposed dwelling
- the contract is in a form that complies with the *Home Building Act 1989*, Part 2 or 2A.

Eligible housing types

Detached single dwellings and dual occupancy developments that satisfy the criteria are eligible for these limited transitional arrangements. This includes kit homes.

New apartment buildings, multiple dwellings and secondary dwellings (e.g. granny flats and other attached or detached secondary dwellings) are not eligible.

There has not been any change to the BASIX standards for alterations and additions to existing dwellings. Please do not submit an application for alterations and additions.

Eligible time period

We are preparing an amendment to the Sustainable Buildings SEPP to extend the current transitional arrangements by 3 months. The extension will allow applicants approved to use the pre-

1 October 2023 standards to generate the BASIX certificate by 30 September 2024. You must submit the certificate with a development application or lodge it with a complying development certificate application within 3 months of creating the certificate.

Application process

To apply to use the pre-1 October BASIX standards, create a new BASIX application and answer 'Yes' to the question 'Was the building contract signed prior to 1 October 2023?' and click 'Save and Continue'. The tool will then ask you to provide:

- the address of the proposed home – street address, lot and DP, or proposed street address as per the contract. The addresses on the application and contract should match, or additional information should be provided to demonstrate they are the same site.
- the name and address of the home purchaser
- the name, address, contact details and licence no. of the builder, and, if applicable, the builder's trading name and/or company name
- a signed and dated copy of the building contract, which is in a form that complies with the *Home Building Act 1989* Part 2 or 2A and meets the eligibility criteria (above)
- any other supporting information that demonstrates what type of building the contract is for – i.e. plans, detailed specifications or a pre-contract tender referred to in the signed contract.

Once you have completed this information, click 'Submit' and this will lodge your application to use the pre-1 October standards. We will review the information provided against the eligibility criteria to determine whether the project is eligible.

Assessment and outcome

Once you have applied, if the information is sufficient to demonstrate the application meets the eligibility criteria, we will notify you that you can continue your BASIX application and generate a BASIX certificate using the pre-1 October 2023 standards.

We will reject applications that don't meet the eligibility criteria. This includes applications that do not contain sufficient information to assess whether the application meets the criteria. If not eligible, we will notify you that you need to continue with your BASIX application using the higher BASIX standards, and we will not consider any further applications for that address. This includes where you have provided a contract that does not comply with the *Home Building Act 1989*, Part 2 or 2A e.g. where the contract is not signed by both the homeowner and the builder, or does not show the date it was signed (which must be prior to 1 October 2023). Please do **not** submit further applications if we have notified you that your application is ineligible.

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