



# INFORMATION SHEET

## PLANNING (NSW)

Ref: NSW LEG 11-01

### **BASIX, Development Application & Compliance Cost Notices**

Changes to the Environmental Planning & Assessment (EP&A) Regulation will be made on 25 February 2011 to introduce some new fees and to amend some existing fees and processes. Members should take time to review these changes as they will apply to any application made on or after 25 February to council so that you can advise your customers of all relevant fees.

#### **BASIX Certificate Fee - NEW**

A fee will now apply to issuing an online BASIX Certificate. The fees vary based on the type of dwellings. The fees are:

- Single detached dwellings \$50
- Dual occupancies, multi dwelling housing (other than residential flat buildings) and attached dwellings:
  - (a) for the first 2 dwellings \$80 and,
  - (b) for each dwelling more than 2 dwellings \$35
- Residential flat buildings (apartments):
  - (a) for the first 3 dwellings \$120 and,
  - (b) for each dwelling more than 3 dwellings \$20
- Alterations and additions to dwellings \$25

#### **BASIX Completion Receipts - CHANGE**

A BASIX Completion Receipt will be required to be issued before an occupation certificate can be obtained. Currently, it is required two days from the date of issue of the occupation certificate. This means that all of the BASIX commitments will be required to be completed before an occupation certificate can be issued.

If the builder is not responsible for all of the commitments on the BASIX Certificate, the certifier can issue an interim occupation certificate.

#### **Application Fees - CHANGES**

The application fees for some developments and certificates will also increase across all councils in NSW. The increases for members to be aware of include:

- Single dwelling less than \$100,000 from \$364 to \$455
- Development application fees for all other developments e.g. new dwellings and renovations, multi dwellings, etc, remain the same.
- Review of determination (s82A) from \$150 to \$190
- Modification of DA (s96(1a)) from \$500 to \$645 (or 50% of original DA fee)
- Planning Certificate (s149(2)) from \$40 to \$53
- Building Certificate from \$210 to \$250

DISCLAIMER - The above is intended to provide general information in summary form. The contents do not constitute specific advice and should not be relied upon as such. Formal specific advice should be sought by members with respect to particular matters before taking action.

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## **Compliance Cost Notices - NEW**

Where a council issues an Order under Section 121B of the EP&A Act they will now be permitted to issue a Compliance Cost Notice to recover the costs of ensuring compliance with that Order. For example, if you've carried out illegal building works (e.g. not in accordance with your approved development approval (DA)) and you receive an Order from council to remove or modify the works to comply with the DA, you could also receive a Compliance Cost Notice which would require you to pay the council's costs in monitoring and administering the Order.

The cost of the notice will depend on the expenses incurred by the council as a result of issuing the Order such as expenses associated with travelling to and from the site, time spent on inspections and other related actions undertaken by staff to ensure the terms of the Order are being satisfied.

A person has the right to appeal against a Compliance Cost Notice to the Local Court within 28 days of receiving the notice, in the same way you can apply an Order issued by a council.

**Further information on these changes is currently being prepared by the NSW Department of Planning and when available, members will be advised.**

**HIA members with questions on any of these changes should contact HIA's Planning Services staff on 1300 650 620 or [NSW\\_Planning@hia.com.au](mailto:NSW_Planning@hia.com.au).**