

Certificates of Occupancy for new homes and additions – Information for building practitioners

All new homes or additions to homes built under the *Planning, Development and Infrastructure Act 2016* (PDI Act) are required to have a Certificate of Occupancy prior to being occupied.

This Fact Sheet should be read in conjunction with Advisory Notice Building 06/20 which provides information about the legislated process for issuing a Certificate of Occupancy for a new home or addition.

PlanSA - a new planning system for rural South Australia

Effective 31 July 2020, a new planning system - PlanSA - applies across South Australia's outback and rural areas* that will help shape your community, both now and into the future.

PlanSA includes the new Planning and Design Code and associated ePlanning platform for South Australia, replacing hard copy council development plans and the manual processing of development applications.

If you are building or renovating a home or subdividing land, applications can now be submitted and tracked online at www.plan.sa.gov.au.

You will experience a simpler online planning system with everything in one place.

**The new planning system will be implemented in large regional towns and metropolitan areas later, in 2021.*

What are the key changes?

New homes or additions to homes are classified as Class 1a buildings under the Building Code of Australia (BCA) and include detached or semi-detached houses or, one of a group of attached houses such as a terrace house, row house or townhouse. Under the *Development Act 1993*, Class 1a buildings are not required to have a Certificate of Occupancy before they can be occupied.

The PDI Act however requires that all new Class 1a buildings must have a Certificate of Occupancy before they can be occupied. The maximum penalty for occupying a new Class 1a building without a Certificate of Occupancy is \$10 000.

Who issues the Certificate of Occupancy?

A Certificate of Occupancy will be issued by either the council or the building certifier who issued the building consent for the Class 1a building. You should discuss the options with the home owner and ensure that if they have a preference, this is recorded on the ePlanning platform during the application and assessment process.

Councils are the default entity for issuing the Certificate of Occupancy should the building certifier not provide this service.

Are there any specific criteria that must be met before a Certificate of Occupancy will be issued?

Before issuing a Certificate of Occupancy, the council or building certifier needs to be confident that the building is suitable for occupancy.

The PDI Act currently provides no strict criteria that must be achieved for a council or building certifier to issue a Certificate of Occupancy. The person issuing the Certificate of Occupancy must exercise their professional judgement and satisfy themselves that the home is safe and suitable to occupy. This approach mirrors the approach currently used for other types of buildings such as apartments, offices, schools, hotels and motels.

Councils or building certifiers may refer to the criteria detailed in regulation 83A of the Development Regulations 2008 for guidance on this matter. Regulation 83A sets out basic requirements that must be complied with for a Class 1a building to be considered suitable for occupation. These criteria include structural soundness, whether the home is weatherproof and if adequate bushfire protection is provided, where relevant.

The council or building certifier will rely on the completed Statement of Compliance to determine if the Class 1a building is suitable to occupy. Part A must be completed by the licensed builder and Part B must be completed by the home owner or their agent, if one has been nominated. The Statement verifies that the contracted building work has been completed in accordance with the development approval and that all service connections have been made. The PDI Act also requires the building work that has not been completed to be detailed on the Statement. These outstanding items remain the responsibility of the home owner to complete.

Is a 'final inspection' required prior to issuing a Certificate of Occupancy?

The PDI Act does not mandate that Councils undertake a final inspection, however they may elect to do so.

In determining when they will inspect (at a point during construction, at completion, or both should they wish to) councils will consider the requirements of [Practice Direction 9 – Council Inspection 2020](#), and [Practice Direction 8 – Council Swimming Pool Inspections 2019](#), if a swimming pool is part of the development application.

Any inspection must be undertaken in accordance with the timeframes stated in Practice Direction 9; within two business days of receipt of the completed Statement of Compliance in Metropolitan Adelaide and within three business days for areas outside Metropolitan Adelaide.

If a swimming pool is present and due for completion at the same time as the Class 1a building, while Practice Direction 8 allows two weeks for an inspection to occur, council may choose to undertake an inspection of the swimming pool safety features at the same time as the final inspection.

The maximum penalty for occupying a Class 1a building without a Certificate of Occupancy is \$10,000.

Is there a fee payable for the Certificate of Occupancy?

A \$50 fee will apply if council issues the Certificate of Occupancy. If a building certifier has been engaged to issue the Certificate of Occupancy, this fee will be charged at the level set by that private accredited professional.

Need more help?

For further information on this topic please see:

- [Fact Sheet: Certificate of Occupancy for new homes and additions – Information for home owners](#)
- [Advisory Notice Building 06/20 – PROFESSIONAL PRACTICE: Certificates of Occupancy for Class 1a buildings](#)

To find out more visit www.plan.sa.gov.au, email PlanSA@sa.gov.au or call the PlanSA Service Desk on 1800 752 664.