

Frequently Asked Questions



Certificate of Occupancy for new houses and additions (Class 1a buildings)

Please note this FAQ relates to Class 1a buildings only (homes). For information on the Certificate of Occupancy requirements for other types of buildings, including apartments, please see plan.sa.gov.au.

Q – What is a Certificate of Occupancy?

A: A Certificate of Occupancy is a document required for all new buildings in South Australia to provide assurance that the building is safe and suitable to be occupied. If a Certificate of Occupancy has been issued, it means that a building certifier or a council has confirmed that:

- all the necessary Statement(s) of Compliance have been received
- any defects or issues found by the council during an inspection have been rectified
- smoke alarms have been installed and working properly
- appropriate bushfire protection measures have been installed (where the house is located in a high bushfire risk area).

Where the land may have previously been used for commercial/industrial purposes or there was evidence of site contamination, the Certificate of Occupancy also provides that an appropriately qualified expert has confirmed that required remediation has since been undertaken and the land is suitable for the proposed use.

Q – Who issues the Certificate of Occupancy?

A: A Certificate of Occupancy can be issued by either the council or the building certifier who issued the building consent for the application.

Q – Can I move into my house before a Certificate of Occupancy is issued?

A: No. Even if you think your house is safe to live in it is an offence to occupy/move into your house unless the Certificate of Occupancy has been issued. Penalties of up to \$10,000 may apply.

Q – Has a Certificate of Occupancy always been required for new houses?

A: No, the requirement for a Certificate of Occupancy for Class 1a buildings (houses) began on 1 October 2024 and brings South Australia in line with other states across Australia.

Before the Certificate of Occupancy requirement was introduced there were still general requirements for houses not to be occupied unless:

- the building was structurally sound and weatherproof
- all approved health and amenity facilities had been installed
- the building conformed with requirements for bushfire protection
- all necessary services had been connected
- all smoke alarms had been installed and tested.

Other types of buildings (including apartments and commercial buildings) already required a Certificate of Occupancy.

Q – I am renovating and doing an addition to my existing house. Do I still need a Certificate of Occupancy?

A: A Certificate of Occupancy is required for an existing building wherever there is an increase in floor area or where there is a change in building classification. Whether you are doing a 1 or 100 square metre addition, a Certificate of Occupancy will generally be required for the new building work being done.

If it is an alteration contained wholly within the building (like a bathroom renovation, or removal of an internal wall) it may not require a Certificate of Occupancy. A Certificate of Occupancy is also required where a shed is being converted to a rumpus/habitable room (class 1a).

Whoever is assessing your application for building consent (your building certifier or local council) will determine if a Certificate of Occupancy is required following its construction and it will be shown on the Decision Notification Form.

Q – Do I have to wait for a Certificate of Occupancy to be issued for my addition or alteration before I can use the area?

A: Yes, owners that occupy or use an area prior to a Certificate of Occupancy being issued could be subject to penalties of up to \$10,000 and may not be covered for any insurance claims.

Q – How do I know if I need a Certificate of Occupancy before I move in?

A: A Certificate of Occupancy is required for all new buildings unless it is a Class 1a building (house) and the building consent was verified in the SA Planning Portal before the 1 October 2024; or it is a Class 10 building such as a shed or verandah.

A Certificate of Occupancy is also required for extensions and alterations to existing buildings wherever there is an increase in floor area or where there is a change in building classification.

Most building applications require a planning consent, building consent and development approval prior to construction starting on site. The requirement for a Certificate of Occupancy depends on when the building consent of the new house was verified within the SA Planning Portal.

The building consent will be assessed by either a private building certifier or the local council and they will confirm if a Certificate of Occupancy is required. It will also be shown on your decision documents under the heading **Building Occupation/Completion** issued by the building certifier and/or council.

A blank copy of the Statement of Compliance is available on the SA planning portal. The Statement of Compliance and other required documents may be uploaded to the SA planning portal on completion.

BUILDING OCCUPATION/COMPLETION

Building work DETACHED DWELLING

Building classification 1A - Detached house/ Fire separated attached dwelling

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Yes
The Certificate of Occupancy will be issued by: The building certifier

Building classification 10A - Open or private garage,shed etc

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: No

Building classification 10B - Fence, mast, Antenna, swimming pool

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: No

Note section 152 of the Act and regulation 103, requires a Certificate of Occupancy to be issued before a building can be occupied. A Certificate of Occupancy is not required for a Class 10 building or for a Class 1a building where the application for building consent is lodged and verified within the SA planning portal before 1 October 2024. In the meantime, a person must not occupy a Class 1a building for which a Certificate of Occupancy is not required unless it meets the minimum standards for occupancy under regulation 103H(2).

Completion of a building will be signalled by the receipt of the Statement of Compliance required for that building, or the final Statement of Compliance where multiple statements are required.

Section 152(2) of the Act states that 'A certificate of occupancy will be issued by council', noting that section 154 allows a building certifier to exercise this power should they elect to, where either: the building is owned occupied by the Crown or an agency or instrumentality of the Crown; or if they issued the building rules consent for that building.

The authority above – either building certifier or council – will therefore be responsible for issuing this Certificate following receipt of the Statement of Compliance and other documentation as required to provide assurance that the building is suitable for occupation.

Note the default authority for issuing this Certificate remains the council, should there be no building certifier or if the certifier elects not to issue this Certificate, noting that a council may still elect not to issue a certificate, if the council is not satisfied the building is suitable for occupation under section 152(6) of the Act.

The date that building consent was verified in the SA Planning Portal can be checked on the [Development Application Register](#).

Overview Assessment Documents Building Information

This application requires

- Planning Consent
- Building Consent
- Development Approval – Planning, Building

Planning Consent	Granted	▼
Building Consent	Granted	▲
Date verified 16 December 2024	Date submitted 3 November 2024	
Decision authority Decision Granted	Contact Date 17 December 2024	
Development Approval – Planning, Building	Granted	▼

Q – How is an application for a Certificate of Occupancy made?

A: A request for a Certificate of Occupancy can be made through the SA Planning Portal once the builder has submitted the final building notification (otherwise known as a completion notification) to council. The final building notification confirms that the construction has been completed and that the appropriate documentation (statement(s) of compliance and any other reports or documentation) covered by the building work contract has been provided.

Q – Who applies for my Certificate of Occupancy?

A: You should check your building contract or speak with your builder to confirm who is responsible for applying for the Certificate of Occupancy. The builder may do this on your behalf, or if there are parts of the construction that are not covered by the building contract (such as smoke alarms or bushfire tanks), you as homeowner may be required to apply for the Certificate of Occupancy once these works have been completed.

Q – What information needs to be provided with the application for Certificate of Occupancy?

A: An application for Certificate of Occupancy must include:

- duly completed Statement(s) of Compliance
- evidence that conditions relevant to the occupation of the house have been complied with
- evidence that the [Statement of Building Occupancy Requirements for Class 1a Buildings](#) have been satisfied
- payment of appropriate fees.

As a homeowner, it is important that you understand what information your builder is providing on your behalf and whether you are responsible for completing anything on site after they have finished.

A [Statement of Compliance](#) is a key document required for a Certificate of Occupancy to be issued.

Q – What is a Statement of Compliance?

A: A Statement of Compliance is a document signed by the owner and building work contractor. The statement certifies that building work has been carried out to relevant building standards and according to the specifications and plans approved by the relevant authority before development began.

A Statement of Compliance must be accompanied by any certificates, reports or other documents that the relevant authority noted at the time building rules consent was given.

The statement must be signed by the owner or by someone acting on their behalf (Part B). Part A must be signed by the main licensed building work contractor responsible for carrying out the work, or if there is no such person, by:

- a registered building work supervisor (which includes a registered architect); or
- a building certifier.

The statement of compliance is an approved form for the purposes of Regulation 104(3) of the [Planning, Development and Infrastructure \(General\) Regulations 2017](#).

Q – What is the role of the owner in completing a Statement of Compliance?

A: The owner is responsible for signing Part B of the Statement of Compliance or appointing someone to act on their behalf. The person who signs Part B cannot be the same person that signed Part A of the Statement.

The owner certifies that to the best of their knowledge the builder has completed the building work described in Part A in accordance with the endorsed set of approved plans and other relevant documents.

Where the building is a house (Class 1a building) the owner acknowledges that they are responsible for completing any work listed as 'to be completed by the owner' in Part A.

The owner declares that they understand that they must not occupy a house (Class 1a building) unless:

- (a) the building is structurally sound and weatherproof; and
- (b) all approved health and amenity facilities have been installed in accordance with the requirements of the Building Code; and
- (c) the building conforms with the relevant requirements of the Building Rules for bushfire protection; and
- (d) all smoke alarms required under the Building Code have been installed and tested; and
- (e) all service connections referred to in regulation 104(8) of the Regulations have been made in accordance with the requirements of the relevant service provider and relevant regulating authority.

Q – How many times will I need to complete a Statement of Compliance for my building?

A: A Statement of Compliance is completed by each builder responsible for part of the building construction. For some sites this will be one builder responsible for the entire project, for others there will be more than one (e.g. one builder responsible for a building extension and another responsible for a pool).

The number of Statements of Compliance needed will depend on the nature of your build. More information can be found on the Decision Notification Form and your building contract. For more information, please contact your local council or your building certifier.

Q – Can I get a Certificate of Occupancy without a Statement of Compliance?

A: No - A Certificate of Occupancy cannot be issued without a Statement of Compliance.

Q – Can I get a Certificate of Occupancy without completing the ‘to be completed by owner’ requirements listed on the Statement of Compliance?

A: This will depend on the nature of the items listed as being ‘to completed by owner’. [The Statement of Building Occupancy Requirements for Class 1a buildings](#) outlines the mandatory requirements that must be met before a Certificate of Occupancy can be issued. For example, a Certificate of Occupancy may not be issued where there is an outstanding requirement for the owner to install smoke alarms and bushfire protection requirements in high bushfire risk area.

A Certificate of Occupancy may be issued where the items listed on the Statement of Compliance that may not impact on safety of the building to occupy such as having the downpipes connected. This may depend on individual scenarios. You should discuss the specific requirements for your building with your local council or building certifier issuing the Certificate of Occupancy to minimise any delays.

Note: Any items listed as being ‘completed by owner’ on the Statement of Compliance but not mandatory to be completed before Certificate of Occupancy is issued will be conditioned to be completed within 6-months.

Q – What should I do if I am not comfortable with signing the Statement of Compliance form?

A: You should speak further with the builder and/or seek the advice of a legal professional to ensure you understand what you are signing and what your rights and responsibilities are.

Q – How long will it take for the Certificate of Occupancy to be issued?

A: A copy of a completed and signed Certificate of Occupancy should be issued via the SA Planning Portal within 5 business days from the time all the relevant and correct documentation has been received by the entity responsible for issuing the Certificate of Occupancy (the building certifier or local council). If the council has indicated that they intend to inspect the house after the completion notification has been submitted, the Certificate of Occupancy should be issued within 5 business days of that inspection occurring.

Where council identify on inspection that building rectification work relevant to the occupation is required, the Certificate of Occupancy should be issued within 5 business days of that building work being completed.

Where a building certifier is issuing a Certificate of Occupancy, a copy of the certificate and relevant documentation is also forwarded to the council for their records.

Q – I need to apply for the Certificate of Occupancy, but I don't have access to my application within the SA Planning Portal. What do I do?

A: All applications within South Australia lodged after 19 March 2021 must be lodged through the Development Application Processing (DAP) system. If you don't have access to an application in the DAP you will need to request access from someone who already does. People who may be able to provide access to you are:

- builder/ building company
- applicant
- primary contact listed on the application form
- building certifier
- local council.

If you are unsure you can check for contact details shown on the Decision Notification Form.

Note: You will require an online account before anyone is able to share access with you. If you don't already have an account, you can register and [create an online account](#) here. More information on the SA Planning Portal can be found within the [support library](#) on the PlanSA website.

Q – I am unhappy with my builder and how the house has been finished. Why was a Certificate of Occupancy issued?

A: The Certificate of Occupancy only confirms that the house is safe to live in. If you are unhappy with the quality of the construction or have an grievance with the builder or registered site supervisor, you should contact Consumer and Business Services by phone 131 882 or through the online form at cbs.sa.gov.au.

Q – Where can I find out more information or get assistance?

A: More information is available on plan.sa.gov.au, via email at PlanSA@sa.gov.au or phone 1800 752 664.