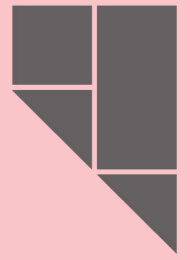


Frequently Asked Questions



Certificates of Occupancy for new homes and additions – Information for home owners

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.

The purpose of the Certificate of Occupancy is to provide assurance that your new home or addition has been built in a safe and healthy manner and is suitable for occupancy.

Background

A Certificate of Occupancy will be issued by either the council or the building certifier who assessed the design of your home or addition and issued a building consent. You can choose who you would like to issue the Certificate of Occupancy. If you're entering into a contract with a licensed builder you should discuss this issue with them and have your choice documented as part of the contract.

A number of standard contracts for new homes include clauses that permit the licensed builder to act on your behalf and make choices for you about the tradespeople and other professionals that need to be engaged to ensure the home is completed and meets the requirements of the PDI Act. Decisions about who will assess the documents, issue the building consent and the Certificate of Occupancy are often covered by these clauses so if you have a preference for who you would like to issue the Certificate of Occupancy, you should advise your licensed builder.

If you don't choose who you would like to issue the Certificate of Occupancy, this decision will be made for you and recorded on the ePlanning platform during the application and assessment process.

Q – If I don't choose who will issue the Certificate of Occupancy, when will I be advised of who will?

A – When development approval is granted the Decision Notification Form provided by your council will identify who will be issuing the Certificate of Occupancy for your home – either the council or building certifier.

Q – What are my responsibilities at the completion of construction?

A – When the construction of your home is complete, a Statement of Compliance will need to be completed and signed by the licensed builder (at Part A) and yourself (or someone you have nominated to act on your behalf, such as the building designer) (at Part B). The purpose of the Statement of Compliance is for both parties to acknowledge responsibility for their role in the development.

Once this Statement of Compliance is completed the person who signed Part A (confirming that the development has been constructed in accordance with the development approval, except for any building work you have agreed to complete yourself) is responsible for providing it to the council. In most cases this will occur via the builder uploading it to the ePlanning platform. The receipt of the Statement of Compliance will ‘trigger’ either the council or the building certifier to issue the Certificate of Occupancy. The PDI Act provides five days for the certificate to be issued.

Once you have received the Certificate of Occupancy – which will be made available via the ePlanning platform – you are able to occupy your home. However, the penalty for occupying your home before the certificate is issued is up to \$10 000.

Q – Council have advised that my home will have a ‘final inspection’. What does this mean?

A – Councils are required to inspect homes (and other types of buildings) either during construction or at completion. After receiving the Statement of Compliance, your council may decide to do a final inspection before the Certificate of Occupancy is issued.

There is no strict requirement for a council to inform the home owner that a final inspection is taking place, so you may not be aware that this has occurred.

A final inspection may result in a slight delay in you receiving your Certificate of Occupancy - up to two days, assuming that the building is safe to occupy and no additional building work is required. This delay is due to the council having to organise an inspection time with the licensed builder and attend the site to undertake the inspection.

If the final inspection reveals an issue with your home then the licensed builder may be required to undertake rectification work, which must be completed prior to the issuing of the Certificate of Occupancy. This may result in additional delays but is important to ensure the safety and suitability of your home.

Q – As part of the building contract I have agreed to complete some of the building work myself – will this stop me from occupying my home?

A – As part of the building contract you may have agreed to complete some of the building work yourself. For example, you may decide to install rainwater tanks and stormwater systems, and complete driveways, paving and other landscaping after the primary builder has completed their contracted work. You may wish to do this after you have occupied the home.

There is currently 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.

Should you wish to complete aspects of the home yourself and council or the building certifier agree to this, you may be provided with a time period in which the outstanding issues must be complete. For example if it appears that an incomplete stormwater system is compromising the footing system, you may be requested to address this by a specific date to ensure that costly structural damage is avoided.

Home owners are strongly encouraged to talk to their licensed builder and local council to develop an understanding of what you will be required to be complete prior to occupancy.

Q – What constitutes occupancy? Can I begin to move in while waiting for the Certificate of Occupancy?

A – The PDI Act does not provide a specific definition of occupancy. The Department’s general advice is that while it may be considered acceptable for you to move possessions into your home (e.g. place boxes in the garage / install a dishwasher), you should not occupy the home yourself as it may be unsafe or unsuitable. The penalty for occupying your home before the Certificate is issued is up to \$10 000.

Need more help?

For further information on this topic please see:

- [Frequently Asked Questions: Certificate of Occupancy for new homes and additions – Information for building practitioners](#)
- [Advisory Notice Building 06/20 – PROFESSIONAL PRACTICE: Certificates of Occupancy for Class 1a buildings](#)