



This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act) allows the State Planning Commission (the Commission) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

Section 153 provides for the temporary occupation of buildings, subject to approval of the council, prior to a certificate of occupancy being issued. This Practice Direction supersedes Minister's Specification SA 83, issued under the *Development Act 1993* in June 1995.

Section 154 provides that a building certifier may exercise the powers of a council under section 153 in relation to:

- a building owned or occupied by the Crown or an agency or instrumentality of the Crown;
- a building to which the building certifier has issued a building consent; or
- a building in circumstances prescribed by the *Regulations*.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 10 (Temporary occupation of multi-storey buildings)*.

2 – Commencement of operation

This version of the practice direction comes into operation on the day on which it is published on the SA planning portal.

3 – Object of practice direction

The object of this practice direction is to enable the temporary occupation of a partially completed building, or the occupation of existing buildings undergoing some form of construction works (such as extensions, floor additions or rectification works in a safe and coordinated manner).

It ensures that any area proposed for occupation meets safety standards equivalent to a completed building and is properly separated from construction zones.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Base building fire safety systems are the fundamental fire protection measures installed as part of the core building structure that must remain fully operational to support safe occupation, regardless of any ongoing construction, staging, or tenancy fit out works. These systems serve the occupied floors, *safe zones*, and construction areas.

Fire Authority has the same meaning as regulation 3 of the *Regulations*.

Regulations means the *Planning Development and Infrastructure (General) Regulations 2017*.

Required means required by this Practice Direction, the National Construction Code, an Australian Standard, SafeWork, a Fire Engineering Report or a Ministerial Building Standard.

Risk means the likelihood of an event occurring and the consequence of that event.

Safe zone means:

- (a) in relation to an area outside of the building – a designated and controlled area to which public access will occur whilst under construction; and
- (b) in relation to an area inside of the building –
 - (i) the combined number of storeys and/or floor area determined by the structural engineer as necessary to adequately protect the occupied floors below, or
 - (ii) where the engineer has made no specific determination, a minimum of two storeys directly above the occupied floors.

Stakeholder means the owner, developer, builder, *Relevant Authority*, *Fire Authority*, designer and design engineers (structural/services).

Structural stability means the ability of a structure to resist the action of external loadings including gravity, live loads, earthquake, wind, environmental factors, loads due to construction activities above occupied zones and comply with relevant Australian standards.

Note: Section 12 of the Legislation Interpretation Act 2021 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

5 – Timeframe of occupation

Approval of temporary occupation under this practice direction may be granted for up to twelve (12) months.

Part 2 – Staged occupation of multi-storey buildings

1 – Conditions that must be met for the staged occupation of a partially completed building

- (1) The occupation of the building must be from the ground floor upwards with no construction space between the occupied levels. Basements and/ or unoccupied tenancy floors may be used as construction administration areas as per clause (4) below.
- (2) The lower floors of a partially completed multistorey building must not be occupied unless all of the following requirements are met for the occupied floors:
 - (a) All *stakeholders* have agreed to temporary occupation of the building.
 - (b) A clearly defined main entrance is provided for occupants and emergency services to access the building which is adequately separated from areas that have not been fitted out or being used as access to the construction floors.
 - (c) All *required* internal fire safety systems must be operational and accessible. This includes but is not limited to fire control rooms, fire indicator panels, main switch rooms, emergency lifts, sprinkler valve and pump rooms, as well as all occupied floors and any floors designated as *safe zones* above occupied areas.
 - (d) Lifting of heavy equipment external to the building is acceptable, provided all safety requirements in accordance with Safe Work Australia are met and the works are verified and endorsed by the design engineer.
 - (e) All occupied areas are separated from construction areas by appropriate hoardings and barriers as *required* by Safe Work Australia. Any necessary temporary alterations to sprinklers, hydrants and hose reel coverage *required* to accommodate such separation barriers have been made.
 - (f) Operational hydrants, sprinklers, hose reels, extinguishers, exit & emergency lighting, smoke detection and occupant warning systems, smoke control systems, emergency lifts are provided to all occupied floors. Hydrants and extinguishers are operational and provided to construction levels.
 - (g) Vehicle access *required* for *Fire Authority* access to the building must be maintained at all times.
 - (h) *Structural stability* of the partially completed building shall be maintained during the remaining construction period.
- (3) In addition to the above requirements, all floors up to and including the highest occupied level must comply with the following as applicable:
 - (a) All *required* fire isolated stairs are complete including any *required* stair pressurisation.
 - (b) Not less than 2 fire isolated stairs are provided where *required*, each being available for emergency egress. Not less than one of these stairs shall be reserved for the sole use of the occupants and not less than one stair for the use of both occupants and construction workers during normal operation.

- (c) The stair reserved for the sole use of occupants must discharge into a public place, however, a construction stair may discharge into a builder's yard at ground level provided access from this yard to a public place is maintained at all times when the building may be legally occupied in accordance with any temporary approval.
- (d) All *required* stairs are to be maintained in a clean and useable condition at all times.
- (e) All *required* fire services and equipment for the occupied floors and *safe zone* are to be fully commissioned, as per the relevant installation standard, maintained and operational at all times.
- (f) All *required* fire separation is complete, including:
 - the fire stopping of all service penetrations;
 - fire sealing of all shafts passing through occupied and *safe zones* inside the building; and
 - fire separation measures around lift cores and sealing of shafts between low-mid-high rise sections of the building from all occupied areas.
- (g) All *required* fire services and egress provisions are complete for those rooms containing electrical, mechanical, lift and other services, necessary for the occupied floors. *Ensure inclusion all provisions are detailed in Schedule 1 as relevant and indicated on the Essential Safety Provisions Form 1.*
- (h) All *Fire Authority* functional testing of the *base building fire safety systems* serving the occupied floors and *safe zones* has been undertaken and validated under the requirements of regulation 103 of the *Regulations*, and the *Relevant Authority* and the *Fire Authority* have been furnished with the relevant commissioning reports for all fire safety systems relative to their respective Australian Standards.

Evidence that clear delineation be provided between occupied / non-occupied areas at the Fire Detection Control and Indicating Equipment or Fire Indicator Panel to the satisfaction of the functional testing.
- (i) Buildings subject to fire engineering performance solutions must have the design fire engineer validate systems *required* under any fire engineering reports that formed part of the development approval.
- (j) Overhead lifting is permitted to occur only with the inclusion of fall protection zones and *safe zones* in accordance with the Safe Work Australia requirements.
- (k) All external huts and storage areas are located not less than 6 metres from any window serving an occupied area. Where this cannot be achieved, additional fire safety measures have been applied to address any potential fire *risk* identified by the *Relevant Authority*.

- (4) Basements and/ or unoccupied tenancy floors may be used as construction administration only areas, provided they have all *base building fire safety systems* in place.

Where any site hut or other trade areas are *required*, they:

- (a) are located in the basement;
- (b) have an approved system of smoke hazard management which is operational (where applicable);
- (c) are in an area fully protected by an automatic fire sprinkler system in accordance with AS 2118.1 and AS 2118.6 as applicable; and
- (d) are served by the base building occupant warning system.

2 – Conditions that must be met for the fitout of an existing building

- (1) Any lifting of heavy equipment external to the building has all the *required* safety provisions under Safe Work Australia requirements.
- (2) All occupied areas are separated from construction areas by appropriate hoardings and barriers. Any necessary temporary alterations to sprinklers, hydrants and hose reel coverage *required* to accommodate such separation barriers have been made.
- (3) All *required* fire exits are unobstructed or alternative egress measures implemented to achieve safe evacuation.
- (4) Not less than 2 fire isolated stairs are provided, each being available for emergency egress. Not less than one of these stairs shall be reserved for the sole use of the occupants and not less than one stair for the use of both occupants and construction workers during normal operation.
- (5) The stair reserved for the sole use of occupants must discharge into a public place, however, a construction stair may discharge into a builder's yard at ground level provided access from this yard to a public place is maintained at all times when the building may be legally occupied in accordance with any temporary approval.
- (6) All *required* stairs are to be maintained in a clean and useable condition at all times.
- (7) All *required* fire services where altered by the proposed scope of works are to be isolated in a manner that maintains the fire safety systems operational throughout the remainder of the floor.
- (8) Where sprinklers are affected, any drain downs must be limited to the area of works. Isolation points may need to be installed to achieve this without draining down the entire floor.
- (9) All essential fire safety mechanical services are fully operational in areas outside the zone of works.
- (10) All *required* fire separation is maintained, including:
 - the fire stopping of all service penetrations;
 - fire sealing of all shafts passing through occupied and *safe zone* floors;
 - shafts between low-mid-high rise sections of the building from all occupied areas; and
 - fire separation measures around lift cores and sealing off.

- (11) All *Fire Authority* functional testing of the *base building fire safety systems* serving the occupied floors and *safe zones* have been undertaken and validated under the requirements of regulation 103 of the *Regulations*, and that the *Relevant Authority* and the *Fire Authority* have been furnished with the relevant commissioning reports for all fire safety systems relative to their respective Australian Standards.
- (12) Basements and/ or unoccupied tenancy floors may be used as construction administration only areas, provided they have all *base building fire safety systems* in place.
- Where any site hut or other trade areas are *required*, they:
- (a) are located in the basement;
 - (b) have an approved system of smoke hazard management that is operational (where applicable);
 - (c) are in an area fully protected by an automatic fire sprinkler system in accordance with AS 2118.1 and AS 2118.6 as applicable; and
 - (d) served by the base building occupant warning system.
- (13) Creation of voids between levels that result in changes to fire compartmentation and/or compartment areas during the construction phase to have a design and construction *risk* analysis and fire safety procedures to address items such as occupant warning systems, zone pressurisation and stair pressurisation.

Part 3 Forms and reports

1 – Temporary occupation form

- (1) A temporary occupation form set out in Schedule 1 must be uploaded on the Development Assessment Portal by the *Relevant Authority* issuing temporary occupation of a building.

Issued by the State Planning Commission

Note: This practice direction commences operation in accordance with clause 2 'Commencement of operation'

Version 2: Commences operation on 12 June 2026

Version 1: Commenced operation on 31 July 2020

SCHEDULE 1 – TEMPORARY OCCUPATION FORM

APPLICANT DETAILS

First Name: Surname:

Organisation (if applicable):

Postal address:

Street No.: Street Name:

Suburb: State: Postcode:

Signature Date

PROPERTY DETAILS

In accordance with section 153(2) of the — *Planning, Development and Infrastructure Act 2016*, I hereby apply for Temporary Occupation of a Building at:

Street No.: Street Name:

Suburb: State: Postcode:

Building Number/ Name/ Description:

If part of a building, provide description: Floor, Section

Application ID:

USE APPLIED FOR*

Part of Building: Proposed Use: BCA Class:

Part of Building: Proposed Use: BCA Class:

Part of Building: Proposed Use: BCA Class:

PERIOD OF OCCUPATION* For a period not exceeding 12 months

Proposed Occupation Commencement Date:

Proposed Occupation Conclusion Date:

Proposed Occupation Times: Days: Hours:

NUMBER OF PERSONS TO OCCUPY BUILDING*

Indicate the maximum number of persons to occupy the building at any one time:

ESSENTIAL SAFETY PROVISIONS INSTALLED AND TESTED*

Attached list of essential safety provisions (ESPs) installed in the building as listed on the Form 1.

Signed by the installer, building work contractor, company manager or other person responsible for the installation of listed ESPs.

REPORT FROM THE FIRE AUTHORITY* 103D—Report from fire authority

A report has been prepared pertaining to the proposed area, building, or floor designated for occupation.

RESTRICTIONS ON THE USE OR OCCUPATION OF THE BUILDING

If the building work incorporates a Performance Solution or a Deemed-to-Satisfy Solution under the National Construction Code that results in any restriction on the use or occupation of the building, clearly state the nature of that restriction. For example, this may include limitations on the use of internal finishes based on their required fire hazard properties as defined in the National Construction Code.

Insert performance solution or any condition for the occupation of the building

DECLARATION*

- I have read and understood all the requirements set out in the Practice Direction 10.
- All certificates, reports or other documentation listed in the Practice Direction have been received by the Relevant Authority issuing the Temporary occupation of the building.
- Subject to any conditions/limitations listed above, the building described above is certified suitable for temporary occupation.

Name:

Company:

Signature:

Date:

- If being lodged electronically, please tick to indicate agreement to this declaration. If completed electronically, the Relevant Authority may require evidence to satisfy the identity of the person pursuant to section 9 of the Electronic Communications Act 2000 (SA).*

This approval does not constitute a certificate of compliance with the Building Rules.

Maximum penalty for occupancy without a certificate of occupancy or temporary approval to occupy: \$10,000.