

# STATEMENT OF BUILDING OCCUPANCY REQUIREMENTS FOR CLASS 1a BUILDINGS

*Planning, Development and Infrastructure Act 2016*

This Statement constitutes the **Statement of Building Occupancy Requirements for Class 1a Buildings under the Building Code** for the purposes of regulation 103B of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) and the requirements in this Statement are prescribed requirements for the purposes of section 152(6) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This statement of building occupancy requirements will take effect on 1 October 2024.

## **PART A – Chief Executive’s occupancy requirements for class 1a buildings**

For the purposes of section 152 of the Act and regulation 103B of the Regulations, the Chief Executive has determined that a building must comply with the following requirements before a Certificate of Occupancy may be issued:

1. Other than where regulation 103A(3) of the Regulations applies, the building must have a duly completed Statement/s of Compliance, which means that:
  - a. Part A has been signed by the licensed building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a building certifier; and
  - b. Part B has been signed by the owner of the relevant land, or by someone acting on his or her behalf; and
  - c. All aspects have been completed (meaning all items in Part A have either been marked as ‘Yes’, ‘N/A’ or ‘To be completed by owner’ as the case may be); and
2. Non-conformances or issues identified during construction of the building through council inspection that are relevant to the suitability of the building for occupation have been rectified or satisfactorily addressed; and
3. Where the building is in the *Hazards (Bushfire – High Risk) Overlay* of the Planning and Design Code and item (d) relating to class 1a buildings in Part A clause 1 of the Statement of Compliance (regarding bushfire protection) has been identified as ‘To be Completed by owner’, the owner has provided a statutory declaration and/or such other evidence to the satisfaction of the relevant authority confirming all relevant bushfire protection requirements have been installed and are operational as approved, including on-site water supply, pumps, pipework, hoses and fittings as applicable; and
4. Where item (c) relating to class 1a buildings in Part A clause 1 of the Statement of Compliance (regarding smoke alarms) has been identified as ‘To be Completed by owner’, the owner has provided a statutory declaration and/or such other evidence to the satisfaction of the relevant authority confirming the smoke alarms have been installed, are interconnected (where required) and are operational.



## Appendix A – Template Statutory Declaration

### PART B – Regulatory requirements relevant to class 1a buildings

In addition to Part A, the following regulatory requirements must be satisfied before a Certificate of Occupancy is issued for all classes of buildings:

1. As required under regulation 103C of the Regulations, where Schedule 8 clause 2A of the Regulations applies and remediation had not been undertaken, a Certificate of Occupancy must not be issued unless a statement of site suitability in the form prescribed by the State Planning Commission in *State Planning Commission Practice Direction 14 (Site Contamination Assessment)* is received certifying that the required remediation has since been undertaken and the land is suitable for the proposed use; and

A building must not be occupied until a Certificate of Occupancy has been completed and signed and a copy has been provided to the building owner. A copy must also be provided to the council.

FROM 1 OCTOBER 2024

Appendix A – Template Statutory Declaration

**Statutory Declaration**

State of South Australia - *Oaths Act 1936*

I, [insert name of declarant] of [Insert residential address],

do solemnly and sincerely declare that the building located at [insert building address] has:

- all relevant bushfire protection requirements have been installed and are operational as approved, including on-site water supply, pumps, pipework, hoses and fittings as applicable. [delete as necessary]
- the smoke alarms have been installed, are interconnected (where required) and are operational. [delete as necessary]

for the purposes of satisfying the **Statement of Building Occupancy Requirements for Class 1a Buildings under the Building Code** established pursuant to regulation 103B of the *Planning, Development and Infrastructure (General) Regulations 2017*.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Declared at [insert location where declaration is being made]

in the State of South Australia, this [insert date] day of

[insert month] of [insert year].

.....  
Signature of person making declaration

Before me,

.....  
Signature of authorised witness

FROM 1 OCTOBER 2021