

Guide for the Relevant Authorities

Certificate of Occupancy

Manage an Appeal of a Decision

Version 1.3



Government of South Australia

Department for Trade
and Investment

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Background



When is a Certificate of Occupancy required?

A Certificate of Occupancy (CoO) is required to commence the occupation or use of a new building or change of building use for the whole or any part of an existing building; applies to buildings classified as a 1b, 2 to 9.

More information on [Building classifications | ABCB](#).

When is a Certificate of Occupancy not required?

A Certificate of Occupancy is not required for a building or building work classified as a:

- **Class 10**, non-habitable building or structure under the Building Code such as:
 - Private garage
 - Carport
 - Shed
 - Fence
 - Retaining or free-standing wall
- **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).

Who will issue the Certificate of Occupancy?

A Certificate of Occupancy (CoO) will be issued by either the council or the building certifier. If you enter a contract with a licensed builder, you should discuss this issue with them and have your choice documented as part of the contract.

On completion of the building work, the building developer (or yourself as an owner-builder) will submit the last building notification to the relevant council or building certifier, including the completed Statement of Compliance.

The receipt of the Statement of Compliance will 'trigger' either the council or the building certifier to issue the Certificate of Occupancy.

What is the timeframe to appeal a 'refusal' decision?

An appeal must commence within 28 calendar days of the 'notice of refusal' sent to the applicant.

Associated Instructions

1 Receive Building Notification

Refer to the guide [Receive Building Notification](#) for instructions on receiving the completion of building work and Statement of Compliance notification and on how to record the 'inspection outcome'.

2 Validate Certificate of Occupancy Application

Refer to this guide for instructions to verify a valid application for a Certificate of Occupancy received for processing, and that all relevant documentation and fees have been received.

The Validate Certificate of Occupancy Application guide includes instructions on how to ...

- Request for Documentation
- Request Fee Advice Payment
- Request Fire Report

3 Issue a Decision for the Certificate of Occupancy Application

Refer to this guide for instructions on how to 'issue' or 'refuse' a Certificate of Occupancy application.

4 Revoke a Certificate of Occupancy

Refer to this guide for instructions on revoking an issued Certificate of Occupancy.

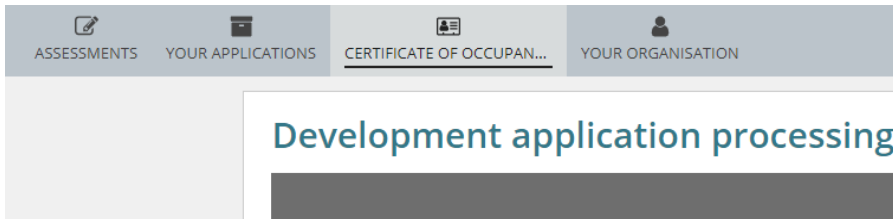
5 Process an Appeal

Refer to the guide for instructions on receiving and processing an appeal from an applicant in relation to Certificate of Occupancy conditions, regarding process, refusal or other reasons.

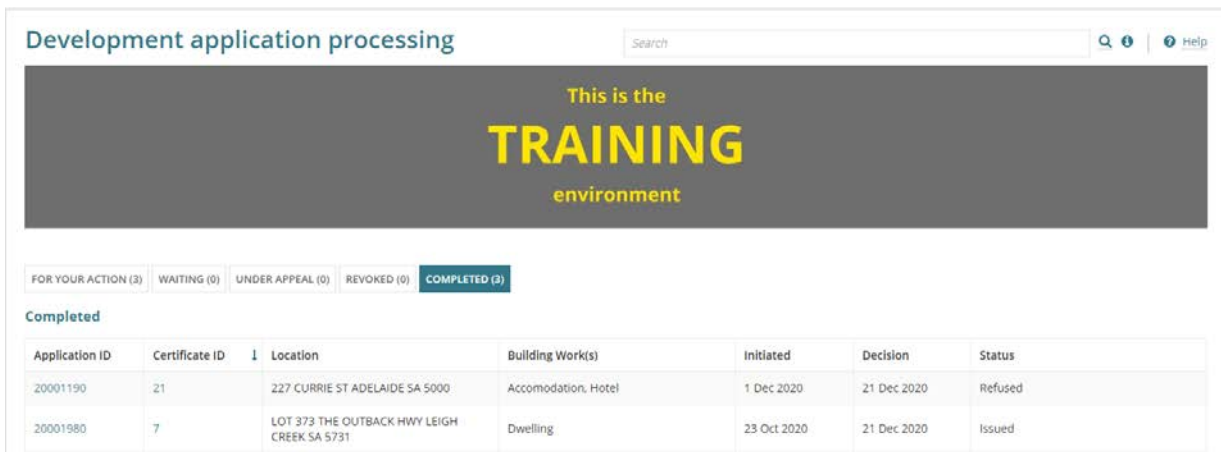
1. Receive and Record Appeals

Locate the Certificate of Occupancy application

1. Click on the **Certificate of Occupancy** option from your dashboard.



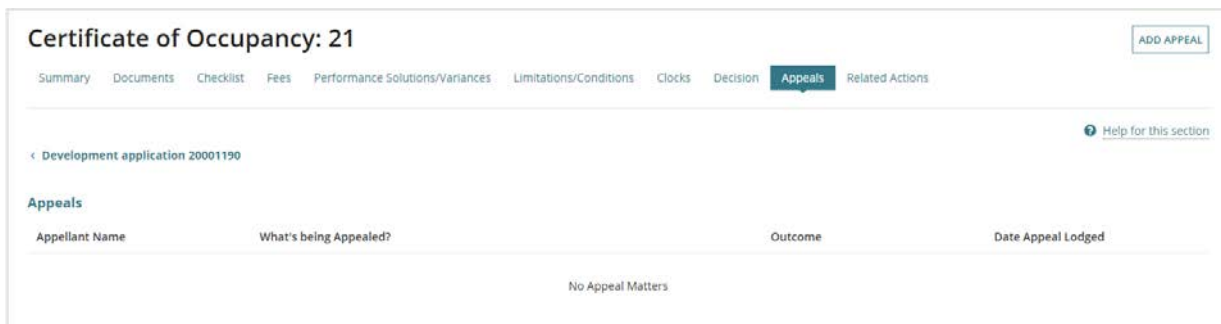
2. Click on **Completed** to view all CoO issued.
3. Locate the CoO and click on the Certificate **ID** number to open.



4. Click on the **Appeals** tab and then **Add Appeal**.

Information!

The **Appeals** tab is only available if the relevant authority has refused the CoO application.



Complete the Appeal Matter

Information!

Only one appeal can be recorded at a time. The ability to record another appeal for the same application can occur after recording the outcome of the previous appeal and only when the outcome of the previous appeal is either 'Affirm the decision' or 'Appeal Withdrawn'.

Complete the Appeal details

5. Complete the Appeal screen as follows.

- **Appeal Matter***: provide the appeal details.
- **Appeal Body***: i.e. Assessment Panel, Commission or Court.
- **Appellant Name***: person making the appeal.
- **Date Appeal Lodged***: with the Court or assessment panel or commission.

Information!

When the lodgement date is greater than 28 calendar days, an acknowledgement of the following message (*below*) must be made to proceed.

I understand that according to the Planning, Development and Infrastructure Act 2016, any appeal must be commenced within 28 days after a notice of refusal is given to the applicant, unless the Court allows an extension of time.

- **What's being appealed?***: make a selection from the list of options.
- **ERD Court Appeal Number**: enter if relevant.

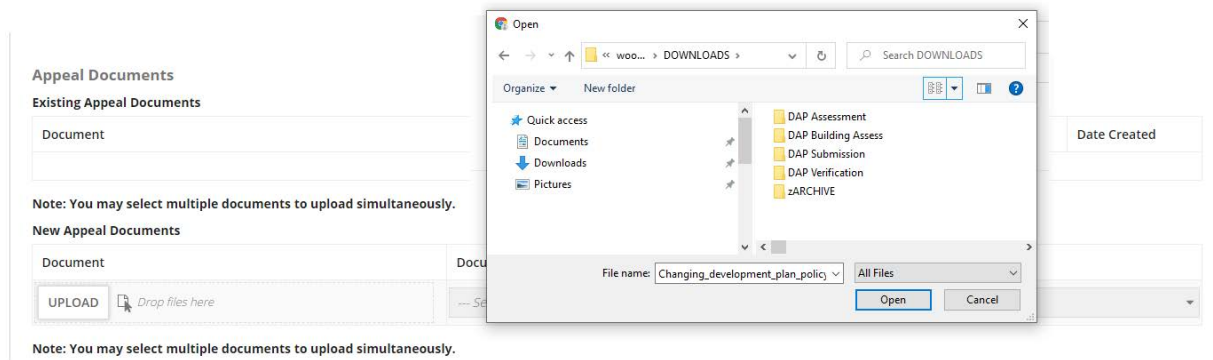
Appeal

Appeal Matter *

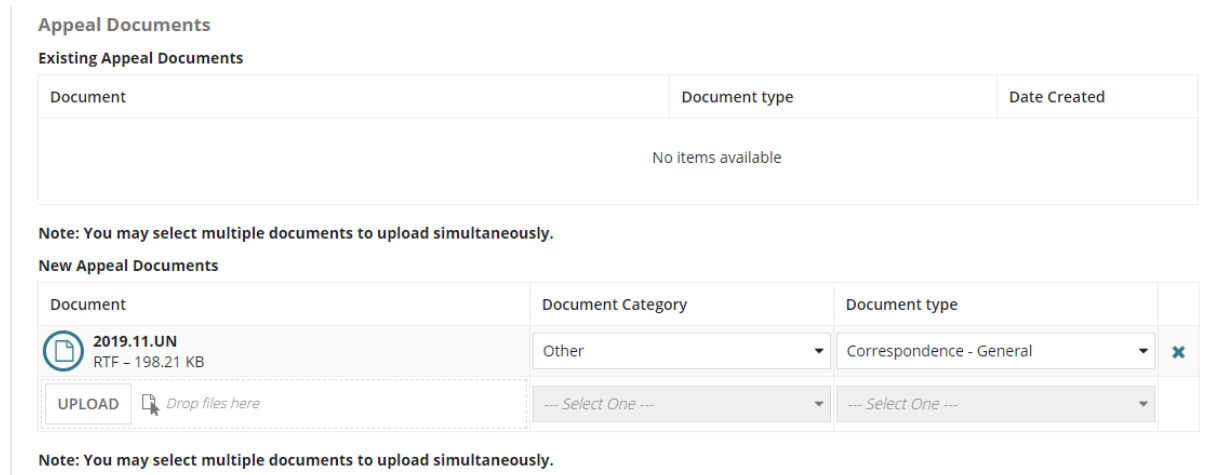
Appeal Body *
Appellant Name *
Date Appeal Lodged *
What's Being Appealed? *
ERD Court Appeal Number

Upload Appeal Matter Documents

6. Click on **Upload** to attach the appeal document, emails, correspondence, meeting minutes, etc. from the saved file location on your computer to assist in an audit trail.



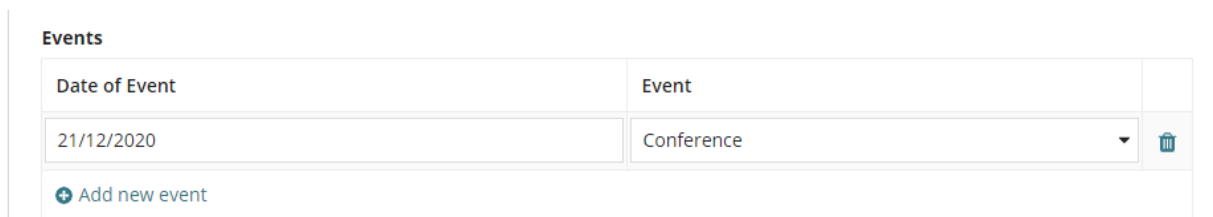
7. Select the applicable document 'Category' and 'Type' for each document uploaded.



Record an Appeal Event

An event may include meeting minutes, phone conversations or similar to assist in keeping an audit trail for the outcome.

8. Click on **Add new event**.
9. Enter **date of the event** and then select the **Event type**.



10. Click on **Save Appeal** to record the outcome later.

Outcome

Appeal Outcome

--- Select One ---

CANCEL SAVE APPEAL

The **Appeals** screen now displays the created 'appeal record'.

Certificate of Occupancy: 21 EDIT APPEAL

Summary Documents Checklist Fees Performance Solutions/Variations Limitations/Conditions Clocks Decision **Appeals** Related Actions

< Development application 20001190 Help for this section

Appeals

Appellant Name	What's being Appealed?	Outcome	Date Appeal Lodged
Penny Public	Applicant appeals refusal	-	17 Dec 2020

11. Return to the **Certificate of Occupancy** dashboard.

12. Click on the **Under Appeal** tab to locate and view the CoO under appeal.

Development application processing Search Q i ? Help

This is the

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environment

FOR YOUR ACTION (3) WAITING (0) **UNDER APPEAL (1)** REVOKED (1) COMPLETED (1)

Under Appeal

Application ID	Certificate ID	Location	Building Work(s)	Initiated
20001190	21	227 CURRIE ST ADELAIDE SA 5000	Accomodation, Hotel	1 Dec 2020

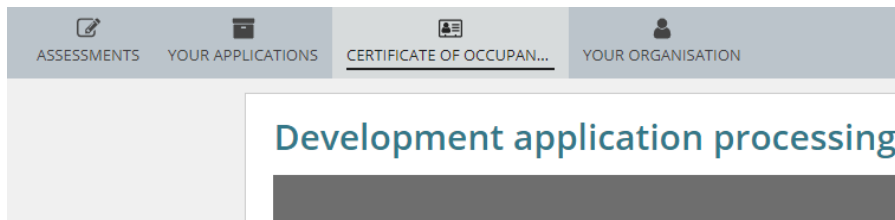
2. Update Appeals Outcome

The appeal is updated on receiving the decision from the courts or assessment panel.

On updating the appeal outcome the primary contact of the decision is notified, and the Local Government Authority (council) is notified when an independent assessor (accredited professional) is issuing the Certificate of Occupancy.

Locate the certification under appeal

1. Click on the **Certificate of Occupancy** option from your dashboard.



2. Click on **Under Appeal** to view the certificate application.
3. Locate the CoO and click on the Certificate **ID** number to open.

Application ID	Certificate ID	Location	Building Work(s)	Initiated
20001190	21	227 CURRIE ST ADELAIDE SA 5000	Accommodation, Hotel	1 Dec 2020

Prior to recording the appeal decision update the [Update Performance Solutions and Variances](#) and/or [Update Limitations and Conditions](#) as required.

Update Performance Solutions and Variances

The 'Reverse' decision may require updates to the Performance Solutions and/or Variances.

Before you begin: Ensure the required CoO displays on screen.

1. Click on the **Performance Solutions/Variances** tab and **Edit Performance Solutions**.

2. Click on the appropriate option **Add another performance solution** or **Add another variance**.
3. Provide the details for the applicable action, i.e. performance solution or variance.
4. Click on **Submit** to keep the updates.

Update Limitations and Conditions

The 'Reverse' decision may require updates to the Limitations and/or Conditions.
Before you begin: Ensure the required CoO displays on screen.

1. Click on **Limitations/Conditions** tab and **Edit Limitations/Conditions**.

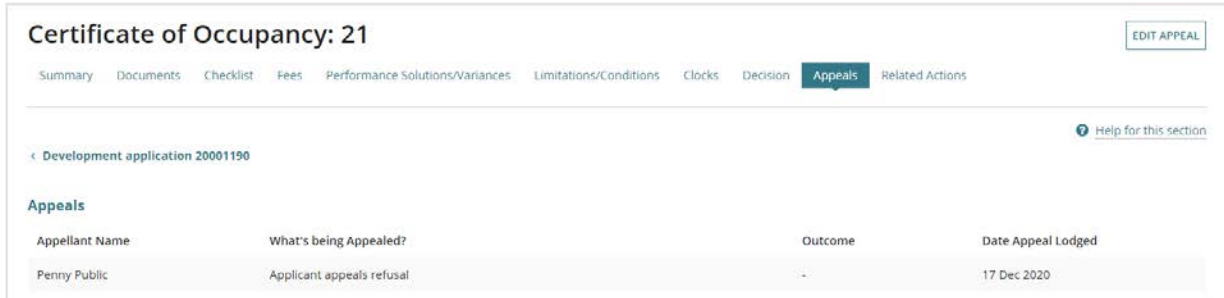
2. Click on **Add another limitation/Condition**.
3. Provide the details for the applicable action, i.e. performance solution or variance.
4. Upload supporting documentation (as required).
5. Click on **Submit** to keep the updates.

Document	Document Category	Document type
UPLOAD Drop files here	--- Select One ---	--- Select One ---

Note: You may select multiple documents to upload simultaneously.

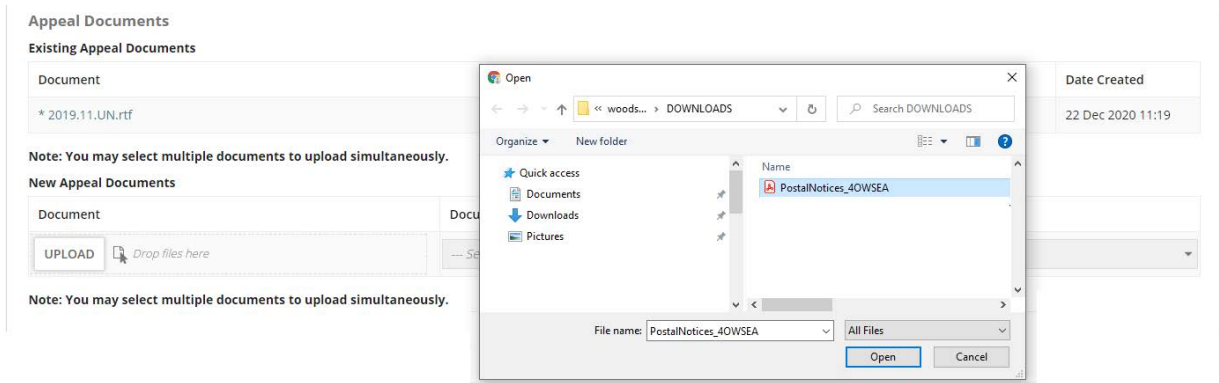
Record the decision against the appeal

1. Click on **Appeals** tab and **Edit Appeal**.

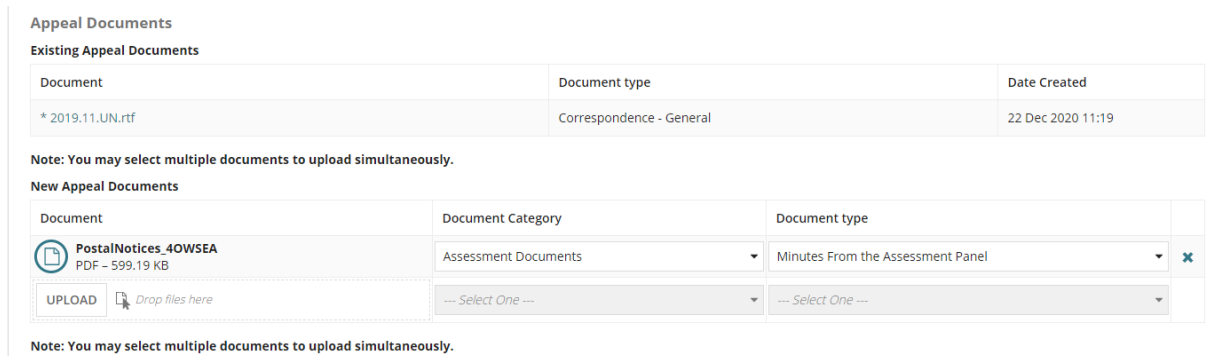


Upload supporting documentation

2. Click on **Upload** to attach relevant and supporting outcome documentation.



3. Categorise the Document; for example, select **Category** 'Assessment Documents' and **Type** 'Minutes from the assessment panel'.



Record and apply the Appeal Outcome

4. Choose the **Appeal Outcome** from the list of options in the table below.

Appeal Outcome	Select when decision made by the ...
Affirm the decision	Assessment Panel, or Court
Reverse the decision	Court
Appeal Withdrawn	Appellant

5. Enter the **date of outcome**.

6. Choose to **Apply Appeal Matter Outcome** only when the limitations or conditions have been updated prior to recording the appeal outcome.

7. Click on **Save Appeal** to complete.

Outcome

Appeal Outcome

Reverse the decision

Date of outcome *

23/12/2020

Apply Outcome

Please adjust the limitations or conditions that may apply to the building before proceeding. Once you set the appeal to be applied, the appeal will be locked and you won't be able to change it.

Apply outcome

The **Appeals** screen displays the appeal outcome updated with 'reverse the decision'.

Certificate of Occupancy: 21

Summary Documents Checklist Fees Performance Solutions/Variations Limitations/Conditions Clocks Decision **Appeals** Related Actions

< Development application 20001190 [Help for this section](#)

Appeals

Appellant Name	What's being Appealed?	Outcome	Date Appeal Lodged
Penny Public	Applicant appeals refusal	Reverse the decision	17 Dec 2020

View the Decision

On applying the appeal outcome, a new decision record is created for the now 'issued' or 'refused' certificate application.

8. Click on **Decision** tab to view the applied outcome.

The **Decision** screen displays the new 'refused' or 'issued' decision.

Certificate of Occupancy: 21

Summary Documents Checklist Fees Performance Solutions/Variations Limitations/Conditions Clocks **Decision** Appeals Related Actions

< Development application 20001190 [Help for this section](#)

Decision

Assessor	Decision	Decision Date	Reason	Actions
Sascha Woods	Issued	23 Dec 2020	-	
Sascha Woods	Refused	21 Dec 2020	Enter the refusal reason	

3. Provide the Certificate of Occupancy

On applying the appeal outcome, a Certificate of Occupancy (CoO) is generated when the original decision was 'refused' and an email notification sent to the relevant parties advising the CoO has been issued.

When the applicant and primary contact's preferred communication method is via post, print and post out the CoO to the applicant.

1. Click on **Documents** tab to locate the CoO.

Certificate of Occupancy: 21

Summary Documents Checklist Fees Performance Solutions/Variances Limitations/Conditions Clocks **Decision** Appeals Related Actions

< Development application 20001190 [Help for this section](#)

Decision

Assessor	Decision	Decision Date	Reason	Actions
Sascha Woods	Issued	23 Dec 2020	-	
Sascha Woods	Refused	21 Dec 2020	Enter the refusal reason	

2. Click on the **Certificate of Occupancy file name** to download.

Certificate of Occupancy: 21

Summary **Documents** Checklist Fees Performance Solutions/Variances Limitations/Conditions Clocks Decision Appeals Related Actions

< Development application 20001190 [Help for this section](#)

Search by Name Search by Type

System Generated Emails Snapshots Invoices Decision Documents Other Documents **All Documents**

Document	Document Type	Type Description	Date Created	Superseded	Edit
* Certificate of Occupancy 21.pdf	Certificate of Occupancy		22 Dec 2020 13:49		

3. Scroll to the bottom of the page and click on the downloaded file to open.

BuildingFireReport-41944.docx Fit

Certificate of Occu....pdf ^

The CoO will now display in a new browser tab.

4. Print the CoO and then close the browser tab.

PlanSA

Certificate of Occupancy
Planning, Development and Infrastructure Act 2016

This form is an approved form for the purposes of issuing a certificate of occupancy under regulation 103(8) of the Planning, Development and Infrastructure (General) Regulations 2017.

This certificate of occupancy **21** is issued for the building described below:

Description of building: fit out hotel	
Address of building: 227 CURRIE ST ADELAIDE SA 5000	
Date of development authorisation: 6 Aug 2020	Development application no.: 20001190
Date of previous certificate of occupancy issued (if relevant):	
Date the previous certificate of occupancy was revoked (if relevant):	

Building Classification	Max Number of Occupants
5 - Office for professional or commercial purposes	10
1B - Boarding /Guest house with < 12 persons and <300 square metres	10

The following legislative requirements have been met:

For more information visit
plan.sa.gov.au



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