

## Director's Guideline – Relocating existing buildings

I, Peter John Graham, in my capacity as Director of Building Control, and acting pursuant to section 19(1)(a) of the Building Act 2016, hereby make the following Guideline.

<b>Title</b>	<b>Relocating existing buildings</b>
<b>Description</b>	Guidance on the technical requirements that apply to existing buildings that have previously been erected on a site and are being relocated and re-erected on a new site.
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## Document Development History

Version	Application Date	Sections amended
1.0		Original release

## 1. Scope

This document provides guidance on the technical requirements that apply to existing buildings that have previously been erected on a site and are being relocated and re-erected on a new site.

For example, a developer may remove an existing house from a property for redevelopment purposes and sell it to an individual to relocate to their own land. This Guideline discusses the technical requirements that apply to the house when the new owners re-erect it on their property.

This Guideline should be read in conjunction with the *Director's Guidelines – Obligation to upgrade existing buildings* and *Director's Determination – Exemption from obligation to upgrade existing buildings* at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

## 2. What is an 'existing building'?

An existing building is a building that has previously been erected on a site. Indicators of this include that the building had footings, plumbing and electricity connections and/or that site-specific considerations were taken into account as part of its design and construction, such as hazardous area requirements and energy efficiency assessments.

Prefabricated buildings which are moved from a manufacturing or storage facility to a site are not existing buildings. They are new buildings because they have never been erected on a site. New buildings need to fully comply with the *Building Act 2016* and National Construction Code as per section 11 of the *Building Act 2016*. This Guideline does not cover new buildings.

This Guideline also does not cover structures which are built with wheels and are capable of being registered as a vehicle which are relocated from one site to another (for example, caravans, trailers and tiny houses). These are not buildings under the *Building Act 2016*. For more information on these, view our *Fact Sheet – Tiny Houses* at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

This Guideline also does not cover temporary structures as defined in section 4 of the *Building Act 2016* and regulation 4 of the *Building Regulations 2016*. For information on these, view the *Director's Determination – Temporary Occupancy Permit* at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

## 3. General requirements for existing buildings

In general, if an existing building complied with the requirements that were in force when it was built, the building does not need to be upgraded when those requirements change. The building is taken to comply with the *Building Act 2016* and National Construction Code, as per section 12 of the *Building Act 2016*.

However, when an existing building is moved to a new site and re-erected, this triggers a requirement to upgrade the building (with some potential concessions) as discussed under clause 4 of this Guideline below.

## 4. Technical requirements when relocating an existing building

### a) Re-erecting the building

When an existing building is relocated to a new site, it is still considered an existing building under the *Building Act 2016*. However, "building work" under section 4 of the

*Building Act 2016* includes re-erecting a building. So, by moving the building to a new site, building work is effectively being done on the entire building.

This triggers the building upgrade requirement in section 53 of the *Building Act 2016* which applies when building work has been performed or permitted on more than half of the original volume of a building in the previous 3 years. When section 53 is triggered, the owner becomes obliged to ensure that the entire existing building is brought into compliance with the current *Building Act 2016* and National Construction Code. This includes requirements specific to the new site such as energy efficiency and hazardous area requirements (for example, bushfire).

The relevant building surveyor engaged by the owner has discretion to consent to partial compliance with the National Construction Code for aspects of the existing building upgrade if they consider this appropriate. There are certain matters that the building surveyor must take into account when exercising this discretion, and limits on when the discretion can be exercised. For more information on the operation of section 53 and the building surveyor's discretion, view *Director's Guidelines – Obligation to upgrade existing buildings* at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

Class 1a and 10a buildings are ordinarily exempt from the upgrade requirement in section 53, but this exemption does not apply where these buildings have been previously erected on a site and are being relocated and re-erected on a new site. For more information, view *Director's Determination – Exemption from obligation to upgrade existing buildings* at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

## **b) Changing the building's use**

If the building will be used for a different purpose on the new site and this changes the building's classification under the National Construction Code, or subjects the building to different requirements in its existing classification, then the building must be upgraded to comply with the relevant provisions of the National Construction Code for the changed use. This is required under section 55 of the *Building Act 2016*. The building surveyor has some discretion to consent to partial compliance when assessing an application for an occupancy permit.

## **c) Approvals required for relocating an existing building**

Demolition work to remove a building from a site, and building work and plumbing work to re-erect it on a new site, must be carried out in accordance with the *Building Act 2016*.

For more information on the building, demolition and plumbing approvals required, see the *Director's Determination – Categories of Building and Demolition Work* and the *Director's Determination – Categories of Plumbing Work* which are available at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)