

Director's Determination – Exemptions from obligation to upgrade existing buildings

I, Peter John Graham, in my capacity as Director of Building Control, and acting pursuant to section 20 and section 53(1B) of the Building Act 2016, hereby make the following Determination.

Title	Exemptions from obligation to upgrade existing buildings
Description	This Determination specifies: Exemptions for certain buildings, or a class of buildings, from the requirements of section 53 of the Act, that requires an upgrade an entire building to the current NCC when building work is performed on more than half the original volume.
Version	1.0
Application	For the purposes of section 20(3) of the Act, this Determination applies from 14 October 2019 until its revocation.
Approval date	14 October 2019
Commencement date	14 October 2019



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Consumer, Building and Occupational Services
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Document Development History

Version	Application Date	Sections amended
1.0	14 October 2019	Original release

1. Interpretation

- (1) A term that is defined in the *Building Act 2016* or the *Building Regulations 2016*, unless the contrary intention appears, has the same meaning in this Determination.
- (2) Where reference is made to a particular building class, the specified class is as defined in the part of the National Construction Code which relates to the classification of buildings.

2. Exempt buildings

- (1) The following buildings are exempt from the requirements of section 53 of the *Building Act 2016*:
 - (a) a class 1a building, except where it has been previously erected on a site and is being relocated and re-erected on a new site, and
 - (b) a class 10a building associated with a class 1a building, except where it has been previously erected on a site and is being relocated and re-erected on a new site.

Explanatory information (not part of the Determination)

- (1) This Determination should be read in conjunction with the following:
 - (a) *Director's Guidelines – Obligation to upgrade existing buildings* www.cbos.tas.gov.au
 - (b) *Director's Guidelines – Relocating existing buildings* www.cbos.tas.gov.au