



BUILDING ADVISORY SERVICES

BUILDING NOTE

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RELOCATION OF EXISTING HOUSES TO APPROVED RURAL LAND

This building note supersedes Building Note 90 issued 2/11/2011.

Background

Changes to the *Building Regulations* were commenced on 2 November 2011 that exempt some relocated houses from the requirement to upgrade the house to comply with the current National Construction Code on relocation.

At the time these houses were also exempt from the requirement to obtain an insurance policy from the Home Building Certification Fund (HBCF).

On 1 January 2013 changes were made to the *Building Act* and Regulations to introduce consumer guarantees and the Fidelity Fund. As part of these changes the HBCF exemption for relocated houses was removed. The "Footings and Fixture Work" section below has been amended to reflect the requirement to obtain a Fidelity Fund Certificate.

Rural and Rural Living Blocks

The only areas where the upgrading exemption applies are where a house is to be relocated to a block zoned as R (Rural), RL (Rural Living), A (Agriculture) or H (Horticulture) under the NT Planning Scheme. The NT Planning Scheme, may be accessed on Development Assessment Services' website: <http://www.nt.gov.au/lands/planning/scheme/index.shtml>

Conditions for Exemption

For the upgrading exemption to apply, all of the following conditions must be met:

- the house either has an Occupancy Permit, or was built by, or for, the Commonwealth Crown; and
- the house was built entirely after Cyclone Tracy (post 1 January 1975); and
- the house was built on a site that has an equal or greater design wind speed than the site it is to be relocated to; and
- the house was built on land in the Territory where building regulation applied at the time of erection (within a building control area); and
- the house is to be moved to a block zoned R (Rural), RL (Rural Living), A (Agriculture) or H (Horticulture).

If a house meets the specified conditions, it may be affixed to the new site without meeting the building standards in force at the date of relocation.

Footings and fixture work (new building work)

A Building Permit must be issued by a building certifier prior to the relocation to cover the new building work for the footings and fixture of the house including plumbing and electrical.

The footings and fixture work must comply with the National Construction Code at the time the permit is issued. Either a registered building contractor or an owner-builder must carry out that work. Any new plumbing or electrical work to connect the house must be carried out to current standards. The existing plumbing components in the house are not required to be upgraded.

A Fidelity Fund Certificate covering the new building work must be obtained and provided to the building certifier to enable the Building Permit to be issued.

The Building Permit must include the lot number and general location of the original site of house and its original building status.

All other laws in force in the Territory in relation to the erection of a building apply. Accordingly, building practitioners and others involved in the post-relocation work must ensure compliance with relevant laws. Examples are the requirements for the handling of asbestos in buildings under the *Workplace Health and Safety Regulations*, the carrying out of electrical work in accordance with the *Electricity Reform Act*, and the setback and other relevant requirements under the NT Planning Scheme.

The Occupancy Permit that finalises the building certification process may only be granted after a report has been obtained from a registered certifying engineer (structural). The report must demonstrate the house has maintained the structural integrity during transit from the original site to the new location (after it has been affixed to the footings). For relocations to Tier 2 building control areas which do not require an Occupancy Permit the report must be attached to the Builders Declaration submitted to the building certifier.

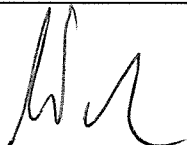
The Occupancy Permit/Builder's Declaration will only extend to the footings and fixture work (the 'post relocation work'). The existing house structure will not be covered by the new Occupancy Permit/Builder's Declaration, as the existing structure will maintain the same legal status it had on the original site.

What about relocated houses affixed to land before 2 November 2011?

The upgrading exemption does not operate retrospectively. If a house satisfies the specified conditions but was already affixed to approved rural land before 2 November 2011, the exemption does not apply and upgrading will be required. If the house had not been upgraded the relocation would be considered unauthorised. To avoid potential prosecution action, a building permit must be obtained and the building upgraded.

Legislation

Part 9A (clauses 36A to 36G) of the Building Regulations sets out the requirements for the relocation of approved Class1a buildings to approved rural land. The Regulations can be accessed at <http://www.lands.nt.gov.au/building/legislation2>



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