

NORTHERN TERRITORY OF AUSTRALIA

BUILDING AMENDMENT (RURAL RELOCATION) REGULATIONS 2011

Subordinate Legislation No. 46 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 46 of 2011*

Building Amendment (Rural Relocation) Regulations 2011

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Building Act*.

Dated 28 October 2011

T. I. PAULING
Administrator

By His Honour's Command

P. R. HENDERSON
Chief Minister
acting for
Minister for Lands and Planning

* Notified in the *Northern Territory Government Gazette* on 2 November 2011.

1 Citation

These Regulations may be cited as the *Building Amendment (Rural Relocation) Regulations 2011*.

2 Regulations amended

These Regulations amend the *Building Regulations*.

3 Regulation 2 amended

(1) Regulation 2(1)

insert (in alphabetical order)

approved Class 1a Building, see regulation 36C(1).

approved rural land, see regulation 36A.

original building status, of an approved Class 1a Building, see regulation 36C(1)(e).

original site, of an approved Class 1a Building, see regulation 36A.

planning scheme, see section 3(1) of the *Planning Act*.

post-relocation building work, for an approved Class 1a Building, see regulation 36A.

relevant building law, in relation to a building, means the law (including codes and standards under the law) in force in the Territory that, at the time of the erection of the building, regulated the building work carried out for the erection.

(2) After regulation 2(2)

insert

- (2A) However, subregulation (2) does not apply to the erection of an approved Class 1a Building on approved rural land.

4 Regulation 3 amended

(1) Regulation 3, heading

omit, insert

3 Exemptions from regulations and sections 55 and 65 of the Act

(2) Regulation 3(3), (4) and (5)

omit

5 Regulations 3A and 3B inserted

After regulation 3, in Part 1

insert

3A Prescribing classes of buildings for and exemptions from section 61 of the Act

- (1) For section 61 of the Act, the following are prescribed classes of buildings:
 - (a) Class 1 Buildings;
 - (b) Class 2 Buildings that have no more than 3 residential storeys;
 - (c) Class 10 Buildings.
- (2) Despite subregulation (1)(a), section 61 of the Act does not apply in relation to a Class 1 Building if:
 - (a) the building is an approved Class 1a Building; and
 - (b) the building work to be carried out on the building is in connection with:
 - (i) the removal of the building from its current site for relocation on approved rural land; or
 - (ii) post-relocation building work.
- (3) To avoid doubt:
 - (a) a person is not required to hold a policy of insurance mentioned in section 61 of the Act in relation to building work to be carried out on:
 - (i) a building that is not of a prescribed class of buildings mentioned in subregulation (1); or
 - (ii) a Class 1 Building mentioned in subregulation (2); and
 - (b) building work to be carried out on a building mentioned in paragraph (a)(i) or (ii) must not be covered by an insurance policy mentioned in section 61 of the Act.
- (4) Section 61 of the Act does not apply to a public authority.

3B Exemption from section 62 of the Act

Section 62 of the Act does not apply to a public authority.

6 Part 9A inserted

After regulation 36

insert

Part 9A Relocation of approved Class 1a Buildings to approved rural land

36A Definitions

In this Part:

approved rural land means land in one of the following zones, as specified in a planning scheme:

- (a) Agriculture;
- (b) Horticulture;
- (c) Rural;
- (d) Rural Living.

original site, of an approved Class 1a Building, means the land on which the building was originally erected.

post-relocation building work, for an approved Class 1a Building, means any of the following:

- (a) footings and fixture work as defined in regulation 36D(4);
- (b) plumbing connection work as defined in regulation 36E(2);
- (c) electrical installation connection work as defined in regulation 36F(2).

36B Application of Part

(1) This Part applies only in relation to:

- (a) an approved Class 1a Building that:
 - (i) is to be removed from its current site for relocation on approved rural land; or

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- (ii) has been relocated on approved rural land, whether before or after the commencement of this regulation; and
 - (b) post-relocation building work.
- (2) This Part does not affect a person's obligation to comply with requirements under another law in force in the Territory that relates to the erection of an approved Class 1a Building on approved rural land (for example, the *Planning Act*).

36C Approved Class 1a Building

- (1) A building is an ***approved Class 1a Building*** if:
- (a) the building work for the original erection of the building started on or after 1 January 1975; and
 - (b) after completion of the building work, the building was a Class 1a Building (or the equivalent class) under the relevant building law; and
 - (c) the building was originally erected on, and affixed to, land to which the relevant building law applied; and
 - (d) the original site of the building meets the design wind speed requirement for relocation of the building to approved rural land; and
 - (e) one of the following (the ***original building status***) applies to the building:
 - (i) it was built by or for the Crown in right of the Commonwealth;
 - (ii) a permit or certificate allowing occupancy of the building was granted for it under the relevant building law.
- (2) The original site of the building meets the requirement mentioned in subregulation (1)(d) if the design wind speed applicable to the site is the same as, or greater than, the design wind speed applicable to the approved rural land to which it is proposed to relocate the building.
- (3) In this regulation:

design wind speed, in relation to a site, means the design wind speed under these Regulations applicable to the design and construction of buildings that may be approved on the site.

36D Footings and fixture work

- (1) Before a person starts to carry out footings and fixture work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land, a building permit must be in force for the work.
- (2) The building permit must include the following details:
 - (a) the location of the original site of the approved Class 1a Building (for example, the lot number and general location);
 - (b) the original building status of the building.
- (3) The footings and fixture work must be carried out by a registered building contractor or an owner-builder.
- (4) In this regulation:

footings and fixture work, for the Class 1a Building, means:

- (a) the construction on the approved rural land of footings for the building; and
- (b) the fixture of the building to the footings.

36E Plumbing connection work

- (1) Before a person starts to carry out plumbing connection work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land, a building permit must be in force for the work.
- (2) In subregulation (1):

plumbing connection work means work for connecting the approved Class 1a Building to a plumbing and drainage service on the approved rural land.

36F Electrical installation connection work

- (1) A certificate of compliance, as mentioned in section 69A(1)(c) of the Act, is required for electrical installation connection work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land.
- (2) In subregulation (1):

electrical installation connection work means work, to which section 69 of the *Electricity Reform Act* applies, for connecting the approved Class 1a Building to an electricity supply for the approved rural land.

36G Occupancy permit and structural report

- (1) A building certifier must not issue an occupancy permit relating to post-relocation building work for an approved Class 1a Building, as specified in a building permit, unless the application for the occupancy permit is accompanied by a report by a registered certifying engineer (structural):
 - (a) made after completion of the footings and fixture work for the building, as defined in regulation 36D(4); and
 - (b) stating the approved Class 1a Building has not been structurally compromised during its relocation to the approved rural land.
- (2) An occupancy permit issued in relation to post-relocation building work for an approved Class 1a Building, as specified in a building permit, must include a statement to the effect that the building retains its original building status.

7 Regulation 41G amended

Regulation 41G, after the examples for subregulation (2)(c)

insert

- (3) In addition, the prescribed building work does not include work for or in connection with:
 - (a) the relocation of an approved Class 1a Building to approved rural land; or
 - (b) post-relocation building work.