

# Director's Guidance

## *Building Act 2016*

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### Section 53 – *Building Act 2016* – Application of 3 year time frame

Any building work undertaken BEFORE 1 January 2017 will not contribute to the volume of the building affected by previous work.

Any building work undertaken AFTER 1 January 2017 will contribute to the volume of a building that has been upgraded or altered. This means that the work considered in the three year timeframe will only include that work completed on or after 1 January 2017.

#### Background

With the introduction of the Building Act 2016, Tasmania introduced a requirement to upgrade existing buildings to the current National Construction Code (NCC) standards under certain circumstances. In addition to proposed building work, Section 53 of the Act defines the thresholds that would also require the remainder of the building to be upgraded to comply with the current NCC.

The threshold is: if the proposed alterations, together with any other alterations completed or permitted within the previous three years, impacts more than half the original volume of the building.

#### Application of the three year period

As the *Building Act 2016* only became effective on 1 January 2017, the three year period in Section 53 does not apply to work undertaken or permitted before 1 January 2017. Consequently, that building work will not contribute to the volume of the building affected in assessing whether Section 53 is applicable.

However, any work undertaken since 1 January 2017 will contribute to the volume of a building that has been upgraded or altered. In effect, this means that the work considered in the three year timeframe will only include that work completed after 1 January 2017.

## Examples

Building work was completed on 40% of the volume of the building in December 2016, and the owner is preparing to undertake work on a further 20% of the building volume in October 2017. Section 53 will not be applicable to the new work, as the total volume of the building affected under the current Act is only 20%, even though additional work was completed within the last three years.

In another building, work was completed on 25% of the volume in February 2017, and the owner is preparing to undertake further work in September 2017 on 35% of the volume of the building. In this case Section 53 is applicable to the proposed work as a total of 60% of the volume has been affected during the operation of the current Act and within the three year period.

## Further information

For more details about building legislation contact Consumer, Building and Occupational Services helpline:

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