

Building Act 2016

Director's Determination – Application of Requirements for Building in Bushfire-Prone Areas

I, Dale Edward Webster, in my capacity as Director of Building Control, and acting pursuant to section 20(1) of the *Building Act 2016*, hereby make the following Determination.

1. That the types of building work and demolition work specified in Schedule I, if performed, or proposed to be performed, in a bushfire-prone area, are subject to Part IA of the *Building Regulations 2014*.
2. That notwithstanding the Director's Determination - Categories of Building and Demolition Work, the types of building work and demolition work specified in Schedule I is notifiable work, provided that it would not otherwise be permit work.
3. That for the purposes of the application of Part IA of the *Building Regulations 2014* to notifiable work, the definitions in regulation 3 of the *Building Regulations 2014* are to have effect insofar as they are necessary to give effect to Part IA of the *Building Regulations 2014*.
4. Despite (3) above, the defined term "building work in a bushfire-prone area" in regulation 3 of the *Building Regulations 2014* does not apply for the purposes of notifiable work.
5. For the purposes of the application of Part IA of the *Building Regulations 2014* to notifiable work, the term "building work in a bushfire-prone area" is defined as the type of building work and demolition work specified in Schedule I, if performed, or proposed to be performed, in a bushfire-prone area.
6. For the purposes of clarification, for permit work, the defined term "building work in a bushfire-prone area" in regulation 3 of the *Building Regulations 2014* is not affected by this determination.
7. For the purpose of the application of regulation 11E of Part IA of the *Building Regulations 2014* to building work or demolition work specified in Schedule I, the words 'requiring a building permit' are deleted.
8. For the purposes of clarification, provisions in regulation 11E of Part IA of the *Building Regulations 2014* apply to building work or demolition work relating to additions or alterations to an existing building identified in Schedule I.

Determination title	Application of requirements for building in bushfire-prone areas
Description	This Determination specifies – (a) the types of low risk work in bushfire-prone areas that are to be considered as notifiable work; and (b) the types of low risk work and notifiable work in bushfire-prone areas that are subject to specific controls.
Version	Version 1.0
Application	For the purposes of section 20(3)(b) of the Act, this Determination applies from the date of its approval - (a) until its revocation; or (b) in respect of a municipal area until – (i) the State Planning Provisions come into effect as part of the Tasmanian Planning Scheme in accordance with section 29(2) of the <u>Land Use Planning and Approvals Act 1993</u> ; and (i) the State Planning Provisions come into effect in respect of that municipal area in accordance with section 30(2) of the <u>Land Use Planning and Approvals Act 1993</u> ; whichever of (a) or (b) is sooner.
Date of Director's approval	23 February 2017



Dale Webster

Director of Building Control

Interpretation

A term that is defined in the *Building Act 2016* or the *Building Regulations 2016*, unless the contrary appears, has the same meaning in this determination.

bushfire-prone area means –

- (a) land other than land that is within the boundary of an area shown as being not bushfire-prone on a planning scheme map or on an overlay on a planning scheme map; and
- (b) where there is no area shown as being not bushfire-prone on a planning scheme map or on an overlay on a planning scheme map, land that is within 100 metres of an area of bushfire-prone vegetation equal to or greater than one hectare;

bushfire-prone vegetation means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks or gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes;

habitable building means a Class 1, 2, 3, 8 or 9 building, as defined in the building classification scheme in the National Construction Code.

Schedule I

Reference*	Types of building work or demolition work	Limitations
	Alterations to Class I buildings	
1.1.11 2.1.5	Porch (roofed and enclosed weather protection around an external doorway) or veranda (roofed)	If closer than 6 metres to a habitable building
	Outdoor structures (Class 10) associated with a Class I building	
1.2.1 1.2.2 2.3.1 2.3.2 3.1.1	Shed, garage, carport or similar (prefabricated or non-prefabricated)	If closer than 6 metres to a habitable building
1.2.3	Animal shelter (roofed) or an open enclosure	If closer than 6 metres to a habitable building
1.2.4 3.1.2	Deck	If closer than 6 metres to a habitable building
1.2.19 2.3.6	Conservatory, gazebo, potting shed, glass house, greenhouse, plan grow tunnel	If closer than 6 metres to a habitable building
	Non-habitable structures (Class 7b or Class 10) related to farming or large scale horticultural activities	
1.3.2	Farm sheds, barns, stables or animal shelters	If closer than 6 metres to a habitable building

Reference*	Types of building work or demolition work	Limitations
	Decks, viewing platforms, road or pedestrian bridges, boardwalks, etc (Class 10b)	
1.5.1 3.5.1	A permanent deck, platform, boardwalk or the like	If closer than 6 metres to a habitable building
	Demolition (total removal of structure and no new construction)	
1.6.1 2.6.1	Removal of any structure (including farm sheds) that could have been erected as Low Risk Building Work	If the structure is required to exist as a component of a certified bushfire hazard management plan
2.6.2	Removal of any Class 10 buildings (up to two storeys)	If the structure is required to exist as a component of a certified bushfire hazard management plan
	Minor commercial structures or industrial, or infrastructure (Class 10b)	
2.4.3	Erection of any single storey detached booth, guardhouse, bin centre or similar	If closer than 6 metres to a habitable building
2.4.6	Non-habitable detached buildings (substations, machinery or plant rooms etc.)	If closer than 6 metres to a habitable building
	Residential buildings (Classes 1a, or 1b) and associated structures (10a or 10b)	
3.0.0	Residential buildings (Classes 1a, or 1b) including new construction, alteration and additions, and associated structures (10a or 10b)	Except if permit work
	Structures associated with a Class 1 residential building	
3.1.7	Single storey covered walkway	If closer than 6 metres to a habitable building
	Demolition (total removal of structure and no new construction)	
3.2.1	Class 1 and 10a buildings (demolition or removal)	If the structure is required to exist as a component of a certified bushfire hazard management plan

Reference*	Types of building work or demolition work	Limitations
	Commercial buildings and associated Class 10b alterations and additions	
3.3.1	Additions to existing buildings	If greater than 20m ² gross floor area and/or results in the building being closer to bushfire-prone vegetation
3.3.2	Alterations, including minor external works	If external work is greater than 20m ² gross floor area and/or results in the building being closer to bushfire-prone vegetation
	New buildings (Class 10 or Class 7b Farm Buildings) larger than provided for Low Risk Work	
3.4.1	Non-habitable buildings (sheds, farm sheds garages, carport etc.)	If closer than 6 metres to a habitable building
3.5.3	Class 10 structures	If closer than 6 metres to a habitable building
	Other work	
n/a	Work performed to provide water supply for fire-fighting purposes	
n/a	Work performed to provide vehicular access to: (a) enable evacuation of persons; or (b) provide access for fire-fighting vehicles to fight fires.	

* reference number relates to Director’s Determination – Categories of Building and Demolition Work – Version 1.2 – 23 February 2017

NOTES

These notes are not part of the determination

1. This determination should be read in conjunction with the following –
 - (a) *Building Act 2016*
 - (b) *Building Regulations 2016*
 - (c) Bushfire-Prone Areas Code (published as Interim Planning Directive No.1.1) (available at www.iplan.tas.gov.au)
 - (d) Bushfire Hazard Advisory Notes published by the Chief Officer under the *Fire Service Act 1979* (available at www.fire.tas.gov.au - building for bushfire).
 - (e) Director’s Determination – Requirements for building in bushfire-prone areas dated 23 February 2017 (available at: www.justice.tas.gov.au)
 - (f) Director’s Determination – Categories of building and demolition work, VI.2, dated 23 February 2017 (available at: www.justice.tas.gov.au)
2. Clause 3(2) of Schedule 6 of the *Building Regulations 2016* specifies savings and transitional provisions relating to hazardous areas, and in particular that:
 - (a) Part 5 of the regulations do not come into force in respect of a municipal area until the State Planning Provisions of the Tasmanian Planning Scheme come into effect in respect of that municipal area; and
 - (b) Relevant requirements in the *Building Act 2000* and *Building Regulations 2014* relating to building work in bushfire-prone areas (as well as the Director’s Determination relating to requirements for building in bushfire-prone areas dated 23 February 2017) remain in force until that time.