

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

I, Peter John Graham, in my capacity as Director of Building Control, and acting pursuant to section 20(1)(c) of the *Building Act 2016*, and regulation 51 of the *Building Regulations 2016*, hereby make the following Determination for the purposes of the provisions of the *Building Act 2000* and *Building Regulations 2014* that remain in force by virtue of clause 3(2) of Schedule 6 of the *Building Regulations 2016*.

| | |
|-------------------------------|--|
| Title | Director's Determination – Application of Requirements for Building in Bushfire-Prone Areas (transitional) |
| Description | This Determination specifies: <ul style="list-style-type: none"> (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 | 1.4 |
| Application | For the purposes of section 20(3)(b) of the Act, this Determination applies from 12 April 2021: <ul style="list-style-type: none"> (a) until its revocation; or (b) in respect of a municipal area until: <ul style="list-style-type: none"> (i) the State Planning Provisions come into effect as part of the Tasmanian Planning Scheme in accordance with section 29(2) of the <i>Land Use Planning and Approvals Act 1993</i>; and (i) the State Planning Provisions come into effect in respect of that municipal area in accordance with section 30(2) of the <i>Land Use Planning and Approvals Act 1993</i>; <p>whichever of (a) or (b) is sooner.</p> |
| Previous determination | The Director's Determination - Application of Requirements for Building In Bushfire-Prone Areas, version 1.3 dated 6 February 2020 ceases to have effect from the date of application of this Determination |
| Approval date | 8 April 2021 |



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Document Development History

| Version | Application Date | Sections amended |
|---------|------------------|--|
| 1.4 | 12 April 2021 | Consequential amendments to references in Schedule I following the 2021 update to the Director’s Determination – Categories of Building and Demolition Work VI.4. |
| 1.3 | 6 February 2020 | <p>a) Explanatory note inserted on the continued application of this Determination in municipal areas where certain provisions of the Tasmanian Planning Scheme have not commenced; and</p> <p>b) Updating the format for consistency with other determinations.</p> |
| 1.2 | 1 September 2017 | Updated references to Director’s Determination on Requirement for Building in Bushfire-prone Areas V.2.1 |
| 1.1 | 1 July 2017 | Categories of work updated to reflect changes to the Director’s Determination of Categories of Building or Demolition Work V.1.3 |
| 1.0 | 23 February 2017 | Original release |

1 Interpretation

A term 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.

2 Application

1. 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 as amended from time to time, 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. For the purposes of applying 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.

Schedule I

| Reference * | Types of building work or demolition work | Limitations |
|---|---|--|
| I.1.0 | Alterations / additions to Class I buildings | |
| I.1.1 I.1.2 I.1.9 | Shade or weather protection structure etc. Skylight, roof ventilator etc. Porch or veranda (roofed) | If shade structure, porch or veranda is greater than 20m ² gross floor area and/or results in the habitable building being closer to bushfire-prone vegetation Skylights with polycarbonate sheeting as coverings have to comply with Table 4.1 of the <i>Director's Determination – Requirements for Building in Bushfire-Prone Areas</i> |
| I.3.0 | Outdoor structures (Class 10 and Farm sheds) | |
| I.3.1, I.3.2 I.3.3 I.3.4 I.3.5 I.3.18 I.3.19 | Shed, garage, carport or similar (prefabricated or non-prefabricated) Shipping container Animal shelter (roofed) or an open enclosure Deck Conservatory, gazebo, potting shed, glasshouse, greenhouse, plant grow tunnel etc. | If closer than 6 metres to a habitable building |
| I.4.0 | Farm sheds etc. related to farming or large scale horticultural activities | |
| I.4.1 | Farm shed | If closer than 6 metres to a habitable building |
| I.60 | Decks, platforms etc. | |

| Reference * | Types of building work or demolition work | Limitations |
|----------------|--|---|
| 1.6.1 | Deck, platform, boardwalk | If closer than 6 metres to a habitable building |
| 1.7.0 | Demolition or removal of a Class 10 | |
| 1.7.1 | 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 |
| 2.1.0 | Alterations of Class 1 buildings | |
| 2.1.2 | Porch | If the addition results in the habitable building being closer to bushfire-prone vegetation |
| 2.2.0 | Additions to Class 1 buildings | |
| 2.2.2 | Awning – pre-engineered | <p>If the awning, as an addition, is greater than 20m² gross floor area habitable building and/or results in the habitable building being closer to bushfire-prone vegetation</p> <p>Awnings with polycarbonate sheeting as coverings have to comply with Table 4.1 of the <i>Director's Determination – Requirements for Building in Bushfire-Prone Areas</i></p> |
| 2.3.0 | Outdoor structures (Class 10) | |
| 2.3.1 | Shed, garage, carport or similar (prefabricated or non-prefabricated) | If closer than 6 metres to a habitable building |

| Reference * | Types of building work or demolition work | Limitations |
|----------------|---|---|
| 2.3.4 | Roller shutter, including roller door or a grilled door | Roller shutters are to comply with shielding provisions of Table 4.1 of the <i>Director's Determination – Requirements for Building in Bushfire-Prone Areas</i> |
| 2.3.5 | Garden structures | If closer than 6 metres to a habitable building |
| 2.4.0 | Minor commercial or industrial structures or infrastructure (Class 10) | |
| 2.4.1, 2.4.2 | Shed, garage, carport etc. | If closer than 6 metres to a habitable building |
| 2.4.4 | 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 |
| 2.7.0 | Demolition of Low-Risk Work | |
| 2.7.1 | Demolition of Low-Risk Work | If the structure is required to exist as a component of a certified bushfire hazard management plan |
| 2.7.2 | Demolish a Class 10 structure | If the structure is required to exist as a component of a certified bushfire hazard management plan |
| 3.0.0 | Class 1 residential buildings, | |

| Reference * | Types of building work or demolition work | Limitations |
|----------------|---|---|
| 3.0.1 | New residence, alterations, additions | Except if it is permit work. Additions: If greater than 20m ² gross floor area of the habitable building and/or results in the building being closer to bushfire-prone vegetation |
| 3.1.0 | Class 10 associated with a Class 1 | |
| 3.1.1 | Shed, garage etc. | If closer than 6 metres to a habitable building |
| 3.1.2 | Deck | If closer than 6 metres to a habitable building |
| 3.1.6 | Covered walkway | If closer than 6 metres to a habitable building |
| 3.2.0 | Demolition/ removal Class 1 or 10 | |
| 3.2.1 | Demolition of Class 1 (and any associated Class 10 buildings) | If the structure is required to exist as a component of a certified bushfire hazard management plan |
| 3.2.2 | Demolition of Class 10 structures | If the structure is required to exist as a component of a certified bushfire hazard management plan |
| 3.3.0 | Commercial buildings, alterations or additions | |
| 3.3.1 | Additions to existing buildings | If greater than 20m ² gross floor area of the habitable building and/or results in the building being closer to bushfire-prone vegetation |

| Reference * | Types of building work or demolition work | Limitations |
|----------------|--|--|
| 3.3.2 | Alterations to existing buildings, including minor external works | If external work is greater than 20m ² gross floor area of the habitable building and/or results in the building being closer to bushfire-prone vegetation |
| 3.4.0 | Non-habitable structures (Class 10 or Farm buildings) larger than Low Risk | |
| 3.4.1 | Class 10 or Farm Buildings | If closer than 6 metres to a habitable building |
| 3.5.0 | Decks, viewing platforms, road or pedestrian bridges, boardwalks, etc. (Class 10b) | |
| 3.5.1 | A permanent deck, platform, boardwalk or the like | If closer than 6 metres to a habitable building |
| 3.5.2 | Any other types of Class 10 structures | If closer than 6 metres to a habitable building |
| 3.6.0 | Construction or demolition of structures for energy generation or telecommunications | |
| 3.6.1 | Control buildings, generation plant and power stations etc. | <ul style="list-style-type: none"> • Construction – If closer than 6 metres to a habitable building • Demolition - If the structure is required to exist as a component of a certified bushfire hazard management plan |
| | Other work required in a Bushfire-Prone Area | |
| n/a | Work performed to provide a water supply for fire-fighting purposes | |
| n/a | Work performed to provide vehicular access to: (a) enable evacuation of persons; or | |

| Reference * | Types of building work or demolition work | Limitations |
|------------------------|---|--------------------|
| | (b) provide access for fire-fighting vehicles to fight fires. | |

* Reference number relates to the Director's Determination – Categories of Building and Demolition Work

Explanatory notes

These notes are not part of the Determination

1. This Determination:

- (i) provides that certain low-risk building or demolition work that is to be performed in a bushfire-prone area, is elevated to be deemed as notifiable work and is required to undergo approval as notifiable work, as provided in Part 8 of the *Building Act 2016*; and
- (ii) applies additional controls or mitigation measures to some types of notifiable work in a bushfire-prone area; and
- (iii) applies in a municipal area where certain provisions of the Tasmanian Planning Scheme have **not** commenced.

Note: For areas where those planning provisions **have** commenced, the Director's Determination - Bushfire Hazard Areas, applies instead.

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) remain in force until that time.

3. 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 Planning Directive No.5.1) 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, as amended from time to time available at www.justice.tas.gov.au
- (f) Director's Determination – Categories of building and demolition work, as amended from time to time available at www.justice.tas.gov.au