



Tasmanian
Government

Director's Determination - Coastal Erosion Hazard Areas

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.

| | |
|--------------------------|---|
| Title | Director's Determination - Coastal Erosion Hazard Areas |
| Description | This Determination specifies requirements for building or demolition work in coastal erosion hazard areas. |
| Version | 1.0 |
| Application | <p>For the purposes of section 20(3)(b) of the <i>Building Act 2016</i>, this Determination commences on the date of its approval and applies until its revocation.</p> <p>This Determination applies in respect of a municipal area when:</p> <ul style="list-style-type: none">(a) 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(b) 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>. |
| Approval date | 6 February 2020 |
| Commencement date | 16 March 2020 |

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Document Development History

| Version | Application Date | Sections amended |
|---------|------------------|------------------|
| 1.0 | 6 February 2020 | Original release |

Division I – Interpretation

1 Short title

This Determination may be cited as the Director's Determination - Coastal Erosion Hazard Areas.

2 Application of Determination

For the avoidance of doubt, nothing in this Determination affects the operation of clause 3 of Schedule 6 of the *Building Regulations 2016* as it relates to savings and transitional provisions in place for hazardous areas.

3 Interpretation

- (1) The *Acts Interpretations Act 1931* applies to the interpretation of this Determination as if it were by-laws.
- (2) A term that is defined in the *Building Act 2016* or the *Building Regulations 2016*, unless the contrary intention appears, has the same meaning in this Determination.
- (3) A term that is defined in the Director's Determination – Categories of Building and Demolition Work, unless the contrary intention appears, has the same meaning in Schedule I of this Determination.
- (4) In this Determination:
 - AS 1726** means Australian Standard AS 1726 entitled *Geotechnical site investigations* published by Standards Australia in 2017, as amended or substituted from time to time;
 - AS 2870** means Australian Standard AS 2870 entitled *Residential slabs and footings* published by Standards Australia, as referenced in the National Construction Code;
 - Coastal erosion hazard report** means a report referred to in clause 7 of this Determination;
 - Coastal erosion investigation area report** means a report prepared by a geotechnical practitioner that classifies land within a coastal erosion investigation area in accordance with the methodology described in the *Coastal Erosion Investigation Area – Site Assessment* prepared by the Department of Premier and Cabinet, as amended from time to time;
 - Coastal erosion management plan** means a strategic management plan for a coastal erosion hazard area endorsed by the relevant council;
 - Coastal Erosion Hazard Management Note** means the document entitled *Coastal Erosion Hazard Management Note* published by the Department of Premier and Cabinet, as amended or substituted from time to time;
 - Director's Determination – Categories of Building and Demolition Work** means the Determination made by the Director of Building Control entitled *Director's Determination – Categories of Building and Demolition Work*, as amended or substituted from time to time;

Engineer - civil means a person holding a building services licence issued under the *Occupational Licensing Act 2005* in the class of engineer-civil;

Geotechnical practitioner means any of the following:

- (a) an engineer-civil;
- (b) a geotechnical engineer licensed as an engineer-civil acting within their area of competence;
- (c) an engineering geologist with the qualifications and expertise specified in the Certificates by Qualified Persons for an Assessable Item Determination made by the Director of Building Control as amended or substituted from time to time, acting within their area of competence;

Hazardous chemical means a hazardous chemical specified in schedule 11 of the *Work Health and Safety Regulations 2012* of a quantity greater than the manifest quantity;

Tolerable risk means the lowest level of likely risk from coastal erosion to secure the benefits of a use or development in a coastal erosion hazard area, and which can be managed through routine regulatory measures or by specific hazard management measures for the intended life of each use or development.

- (5) For the purposes of regulation 50(1)(a)(i) of the *Building Regulations 2016* the relevant gross floor area for additions and alterations is set out below:

| Hazard band | Measurement |
|------------------------------------|------------------|
| Coastal erosion low hazard band | 20 square metres |
| Coastal erosion medium hazard band | 20 square metres |
| Coastal erosion high hazard band | 20 square metres |

- (6) The relevant gross floor area for additions and alterations is measured cumulatively for any three year period after the date this Determination commences.

Division 2 – Work in a Coastal Erosion Hazard Area

I Application

- (1) Unless otherwise specified, the requirements of this Division apply to:

- (a) permit building work;
- (b) permit demolition work; or
- (c) building work or demolition work specified in Schedule 1 of this Determination;

performed, or proposed to be performed, in a coastal erosion hazard area.

- (2) Notwithstanding the *Director's Determination – Categories of Building and Demolition Work*, for the purposes of regulation 51(2)(c) of the *Building Regulations 2016*, building work or demolition work specified in Schedule 1 of this Determination, if performed, or proposed to be performed, in a coastal erosion hazard area is work to which Part 5 of the *Building Regulations 2016* applies.

- (3) Notwithstanding the *Director's Determination – Categories of Building and Demolition Work*, building work or demolition work specified in Schedule 1 of this Determination, if performed, or proposed to be performed, in a coastal erosion hazard area is categorised as notifiable work, provided that it would not otherwise be categorised as permit work.

2 Work in a coastal erosion hazard area

- (1) The AS 2870 site classification of any land located in a coastal erosion hazard area must be Class P, on the basis that it may be subject to coastal erosion.
- (2) A coastal erosion hazard report must be prepared.
- (3) The design of the building footing system must be prepared by an engineer-civil.
- (4) The building design (including footing system) must take into account the coastal erosion hazard report.
- (5) In determining an application for a Certificate of Likely Compliance, the building surveyor must:
 - (a) take into account the coastal erosion hazard report and any relevant coastal erosion management plan; and
 - (b) be satisfied that the proposed work will not cause or contribute to coastal erosion on the site or on adjacent land; and
 - (c) be satisfied that the proposed work can achieve and maintain a tolerable risk for the intended life of the building without requiring any specific coastal erosion protection measures; and
 - (d) be satisfied that the proposed work will not be located on actively mobile landforms, except where the work relates to protection measures or remediation works to protect land, property or human life.
- (6) In determining an application for a permit, the permit authority must take into account the coastal erosion hazard report and any relevant coastal erosion management plan.

3 Classification of an investigation area

- (1) The classification of land in an investigation area of a coastal erosion hazard area must be undertaken by a geotechnical practitioner and must be supported by a coastal erosion investigation area report.
- (2) If the land is classified as being within a hazard band, then the relevant requirements of this Determination apply.

4 Coastal erosion hazard report

- (1) A coastal erosion hazard report prepared for the purposes of this Determination must be prepared in accordance with a methodology specified in this Determination, and be prepared by a geotechnical practitioner with experience and competence in the preparation of coastal erosion hazard reports (or equivalent), and must include:
 - (a) a signed declaration in a format specified in this Determination;
 - (b) a report of a geotechnical site investigation undertaken consistent with AS 1726;
 - (c) conclusions based on consideration of the proposed work as to:

- (i) whether the work is likely to cause or contribute to coastal erosion on the land or on adjacent land;
 - (ii) whether work is proposed on actively mobile landforms;
 - (iii) whether the work can achieve and maintain a tolerable risk for the intended life of the building having regard to:
 - the nature, intensity and duration of the use;
 - the type, form and duration of any development;
 - the likely change in the risk across the intended life of the building;
 - the ability to adapt to a change in the risk;
 - the ability to maintain access to utilities and services;
 - the need for specific coastal erosion hazard reduction or protection measures on the site;
 - the need for coastal erosion hazard reduction or protection measures beyond the boundary of the site; and
 - any coastal erosion management plan in place for the site and/or adjacent land.
- (2) The coastal erosion hazard report must identify appropriate protection measures for any hazardous chemical used, handled, generated or stored on the site, taking into consideration the potential risks of the hazardous chemical to human health and safety as a consequence of coastal erosion on the site or adjacent land.
- (3) The coastal erosion hazard report must be prepared consistent with, and using the methodology of the Coastal Erosion Hazard Management Note.
- (4) The declaration format for a coastal erosion hazard report must contain:
 - (a) details of, and be signed by, the person who prepared or verified the report;
 - (b) confirmation they have the appropriate qualifications, expertise and level of current indemnity insurance;
 - (c) confirmation that the report has been prepared in accordance with the specified methodology.

SCHEDULE 1 – Building Work and Demolition Work with Limitations**I. Interpretation of table**

- (1) For the purposes of this Determination, the limitations specified in column 2 apply to the corresponding building work or demolition work in column 1.

| | Column 1 | Column 2 |
|--|---|---|
| Reference * | Building work or demolition work | Limitations |
| | Class 1 residential buildings | |
| 3.0.1 | New residence, alterations, additions | Except where regulation 50(1)(a)(i) of the <i>Building Regulations 2016</i> (relating to gross floor area) applies |
| | Structures associated with a Class 1 residential building | |
| 2.3.4 3.1.9 | Swimming pool or spa pool | If excavation is equal to or greater than one metre in depth or 100 cubic metres in volume, or if volume is greater than 45,000 litres |
| 3.0.4 | Underpinning | |
| | Retaining walls | |
| 1.3.15 2.3.3 3.1.3 3.5.3 | Retaining walls | If excavation is equal to or greater than one metre in depth, or if the excavation or depositing of material is greater than 100 cubic metres in volume |
| | Outdoor structures (Class 10) | |
| 1.3.1 1.3.2 2.3.1 2.3.2 2.4.1 2.4.2 3.1.1 3.4.1 | Shed, garage, carport or similar (prefabricated or non-prefabricated) | |
| | Farm sheds (Classes 7, 8 or 10) related to farming or horticultural activities | |
| 1.4.1 3.4.1 | Farm shed | |
| | Commercial buildings and associated Class 10b alterations and additions | |
| 3.3.1 | Additions to existing buildings | Except where regulation 50(1)(a)(i) of the <i>Building Regulations 2016</i> (relating to gross floor area) applies. |

| | Column 1 | Column 2 |
|-------------------------|--|--|
| Reference * | Building work or demolition work | Limitations |
| | Construction or demolition of commercial buildings for energy generation or telecommunications structures | |
| 3.6.1 | Construction or demolition of buildings for production or transmission of energy and associated infrastructure, including: <ul style="list-style-type: none"> • Electrical control buildings and substations • Wind turbines support structures over 6m in height • Electrical or gas generation plant and power stations | If owned or operated by an electricity supply business or a public or other authority. |
| | Demolition (total removal of structure and no new construction) | |
| 1.7.1 2.7.1 3.2.1 | Removal of a Class 1 or 10a buildings (demolition or removal) | |
| 2.7.2 | Removal of any Class 10 building or farm shed | |
| 2.7.3 | Removal of retaining wall | |
| 3.2.2 | Removal of a Class 10b structure | |

*Indicative reference number refers to Director's Determination – Categories of Building and Demolition Work

Explanatory 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) Tasmanian Planning Scheme – Coastal Erosion Hazard Code available at www.iplan.tas.gov.au
 - (d) *Coastal Erosion Investigation Area – Site Assessment* available at www.dpac.tas.gov.au
 - (e) *Coastal Erosion Hazard Management Note* available at www.dpac.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 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.
3. For the purposes of consultation under section 20(2) of the *Building Act 2016*, the Tasmanian Planning Commission and the Office of Security and Emergency Management of the Department of Premier and Cabinet are organisations and stakeholders relevant to the content of this Determination.