



Tasmanian
Government

Director's Determination - Coastal Inundation 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 Inundation Hazard Areas
Description	This Determination specifies requirements for building or demolition work in coastal inundation 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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Director of Building Control
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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 Inundation 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:

Coastal inundation hazard report means a report referred to in clause 4 of this Determination;

Coastal inundation investigation area report means a report that includes:

- (a) a land survey undertaken by an appropriately qualified and experienced practitioner to determine the elevation of the land in metres above 0 metres Australian Height Datum; and
- (b) a classification of the land into coastal inundation hazard bands in accordance with the Coastal Inundation Hazard Band Levels List in the relevant Local Provision Schedule of the Tasmanian Planning Scheme for the relevant locality. If the land is not located within a specified locality, the relevant municipal area average must be used.

Coastal Inundation Hazard Management Note means the document entitled *Coastal Inundation Hazard Management Note* published by the Department of Premier and Cabinet, as amended or substituted from time to time;

Coastal inundation management plan means a strategic management plan for a coastal inundation hazard area endorsed by the relevant council;

Defined flood event means a flood event that causes flooding to the defined flood level;

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;

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;

Specified practitioner means a practitioner with relevant qualifications, experience and competence in the preparation of coastal inundation hazard reports (or equivalent);

Tolerable risk means the lowest level of likely risk from coastal inundation from a defined flood event to secure the benefits of a use or development in a coastal inundation 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 inundation low hazard band	20 square metres
Coastal inundation medium hazard band	20 square metres
Coastal inundation 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 this Determination commences.

Division 2 – Work in a Coastal Inundation Hazard Area

I Application

- (1) Unless otherwise specified, the requirements of this Division apply to:
- permit building work;
 - permit demolition work; or
 - building work or demolition work specified in Schedule 1 of this Determination;

performed, or proposed to be performed, in a coastal inundation 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 inundation 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 inundation hazard area is categorised as notifiable work, provided that it would not otherwise be categorised as permit work.

2 Work in a coastal inundation hazard area

- (1) For the purposes of this Determination and regulation 56(3) of the *Building Regulations 2016*, the defined flood level is the level above the 0 metre Australian Height Datum with a one percent probability of being exceeded in a storm surge flooding event in the year 2100, as specified in the Coastal Inundation Hazard Band Levels List for the relevant locality in the relevant Local Provisions Schedule of the Tasmanian Planning Scheme.
- (2) Where land is not located in a specified locality, the defined flood level for the relevant municipal area average applies.
- (3) A coastal inundation hazard report must be prepared.
- (4) The design of the building footing system must be prepared by an engineer-civil.
- (5) The building design (including the footing system) must take into account the coastal inundation hazard report.
- (6) In determining an application for a Certificate of Likely Compliance, the building surveyor must:
 - (a) take into account the coastal inundation hazard report and any relevant coastal inundation management plan; and
 - (b) be satisfied that the proposed work will not cause or contribute to coastal inundation on the site, on adjacent land or of public infrastructure; 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 inundation protection measures.
- (7) In determining an application for a permit, the permit authority must take into account the coastal inundation hazard report and any relevant coastal inundation management plan.

3 Classification of an investigation area

- (1) The classification of land in an investigation area of a coastal inundation hazard area must be undertaken by an appropriately qualified and experienced practitioner and must be supported by a coastal inundation 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 inundation hazard report

- (1) A coastal inundation 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 specified practitioner and must include:
 - (a) a signed declaration in a format specified in this Determination;
 - (b) conclusions based on consideration of the proposed work as to:
 - (i) whether the work is likely to cause or contribute to coastal inundation on the land, on adjacent land or of public infrastructure;

- (ii) 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 inundation hazard reduction or protection measures on the site;
 - the need for coastal inundation hazard reduction or protection measures beyond the boundary of the site; and
 - any coastal inundation management plan in place for the site and/or adjacent land.
- (2) The coastal inundation 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 inundation on the site or adjacent land.
- (3) The coastal inundation hazard report must be prepared consistent with, and using the methodology of, the *Coastal Inundation Hazard Management Note*.
- (4) The declaration format for a coastal inundation 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; and
 - (c) confirmation that the report has been prepared in accordance with the specified methodology.

5 Interpretation of National Construction Code

- (1) For the purposes of Schedule 3 of Volumes One and Two of the National Construction Code, the definitions of defined flood event, defined flood level, flood hazard area and freeboard are omitted and substituted with the following definitions:
- (a) **Defined flood event** means a flood event that causes flooding to the defined flood level;
 - (b) **Defined flood level** has the same meaning as in the Coastal Inundation Determination;
 - (c) **Flood hazard area** means land within a coastal inundation hazard area;
 - (d) **Freeboard** means a height of not less than 300mm above the defined flood level.

SCHEDULE I – 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
	Retaining walls	
1.3.15 2.3.3 3.1.3 3.5.3	Retaining walls	If the 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
	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:	If owned or operated by an electricity supply business or a public or other authority.

	Column 1	Column 2
Reference *	Building work or demolition work	Limitations
	<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 	

*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 Inundation Hazard Code available at www.iplan.tas.gov.au
 - (d) *Coastal Inundation Investigation Area – Site Assessment* available at www.dpac.tas.gov.au
 - (e) Coastal Inundation Hazard Management Note available at www.dpac.tas.gov.au
2. Clause 3 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.