

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	<p>This Determination specifies:</p> <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	1.3
Application	<p>For the purposes of section 20(3)(b) of the Act, this Determination applies:</p> <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 (ii) 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> <p>The Director's Determination - Application of Requirements for Building In Bushfire-Prone Areas, version 1.2, is revoked.</p>
Approval date	6 February 2020
Commencement date	16 March 2020



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Document Development History

Version	Application Date	Sections amended
I.3	6 February 2020	<ul style="list-style-type: none"> 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 b) Updating of the format for consistency with other determinations.
I.2	1 September 2017	Updated references to Director’s Determination on Requirement for Building in Bushfire-prone Areas V.2.1
I.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
I.0	23 February 2017	Original release

1 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.

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. 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.

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.1.5 I.1.11	Shade or weather protection structure etc. Skylight, roof ventilator etc. Roller door or shutter 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> 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>
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.3.20, I.3.21	Shed, garage, carport or similar (prefabricated or non-prefabricated) Shipping container Animal shelter (roofed) or an open enclosure Deck Conservatory, gazebo, potting shed, glass house, 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

Reference *	Types of building work or demolition work	Limitations
160	Decks, platforms etc.	
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, 2.3.2	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
2.3.6	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
2.4.7	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,	
3.0.1	New residence, alterations, additions	<p>Except if it is permit work.</p> <p>Additions: If greater than 20m² gross floor area of the habitable building and/or results in the building being closer to bushfire-prone vegetation</p>

Reference *	Types of building work or demolition work	Limitations
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
3.1.7	Covered walkway	If closer than 6 metres to a habitable building
3.2.0	Demolition/ removal Class 1 or 10	
3.2.1	Class 1 or 10a buildings	If the structure is required to exist as a component of a certified bushfire hazard management plan
3.2.2	Class 10b 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
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

Reference *	Types of building work or demolition work	Limitations
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 (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