

Building Act 2016 and Building Regulations 2016 requirements that may interact with Tasmanian Fire Service regulations

| Building Act/Regs requirement on fire safety/bushfire prone areas | How this may interact with Tas Fire regs | Comments |
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| <p><u>Maintenance requirements:</u></p> <ul style="list-style-type: none"> - Sections 205 & 206 Building Act 2016 – responsible owner of building must ensure building maintained, ensure a schedule of maintenance is kept and provide the records to the Chief Officer if requested. - Part 7 Building Regulations 2016 – class 1b-9 buildings (and class 10c) must have certain features maintained (including fire safety features, see Tables 1.1 to 1.5) - Director’s Determination on Maintenance of Essential Building Services – sets out features to be maintained and frequency of maintenance - Part 7 Building Regulations 2016 - Records must be kept on and off site for at least 10 years. | <p>General Fire Regulations 2010 Part 2 currently deals with maintenance of fire protection equipment such as emergency lighting, exit signs, alarms.</p> <p>The General Fire Regulations 2010 also talks about keeping records. It says they have to be kept in the building for 7 years.</p> | <p>This overlaps with the maintenance requirements in our Act, but doesn’t appear to conflict.</p> <p>This doesn’t meet the new requirements in the Building Regulations 2016 to keep records on and off site for 10 years otherwise fines apply.</p> |
| <p><u>Current bushfire-prone area requirements:</u></p> <p>Currently Part 1A Building Regulations 2014</p> <ul style="list-style-type: none"> - Bushfire prone area is an area shown to be such on a planning scheme map, or land within 100m of more than a hectare of bushfire-prone vegetation | <p>Fire Service Act 1979 and General Fire Regulations 2010 don’t deal with definitions of bushfire prone area. Chief Officer does advisory notes. Our</p> | <p>Currently no apparent overlap.</p> |

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| <ul style="list-style-type: none"> - Reg 3 – accredited bushfire hazard assessor means a person accredited by the Chief Officer under s 60D of the Fire Service Act 1979 - Reg 11F – building work in bushfire prone area requires bushfire hazard management plan (from accredited bushfire hazard assessor) or certificate from bushfire hazard assessor saying there is insufficient risk to warrant any specific bushfire protection measures - Reg 11D – if building work complies with Director’s Determination, it is taken to comply with the National Construction Code requirements <p>Director’s Determination on Requirements for Building in Bushfire Prone Areas. Covers:</p> <ul style="list-style-type: none"> - Emergency plans - Access - Water supply - Hazard management areas | <p>Determination refers to these advisory notes.</p> <p>Fire Service Act 1979 s 60B says that a person may apply to the Chief Officer for accreditation to certify that a bushfire hazard management plan is acceptable, or there is insufficient risk to warrant specific protection.</p> <p>Fire Service Act 1979 and General Fire Regulations 2010 currently don’t deal with technical building standards for bushfire, unless this relates to escape plans, fire protection equipment etc.</p> <p>Emergency plan requirements in our Determination say that the plan needs to comply with TFS Guidelines and be approved by a person accredited by the TFS. The General Fire Regulations 2010 & TFS guidelines provide the specifics.</p> <p>Property access, water supply and hazard management area requirements in the</p> | <p>Currently consistent with our legislation.</p> <p>Currently consistent with our legislation.</p> <p>As our requirements on emergency plans aren’t prescriptive and refer to the TFS Guideline, there is no conflict.</p> <p>Our Determination provides the specifics. No apparent overlap/conflict with TFS requirements provided that the</p> |

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| <p>Director's Determination on Application of Requirements for Building in Bushfire Prone Areas:</p> <ul style="list-style-type: none"> - Sets out when some types of low risk work are elevated to notifiable work | <p>Determination are prescriptive (based on Australian Standards). TFS references these in their Guidelines.</p> <p>Not dealt with in Fire Service Act or General Fire Regulations.</p> | <p>TFS guidelines reflect our most recent Determinations.</p> <p>No apparent overlap.</p> |
| <p><u>Future bushfire-prone area requirements (when Tasmanian Planning Scheme comes in)</u></p> <p>Part 5 Div 6 Building Regulations 2016 –</p> <ul style="list-style-type: none"> - Bushfire prone area is an area shown to be such on a planning scheme map, or land within 100m of more than a hectare of bushfire-prone vegetation - Work taken to comply with National Construction Code if complies with bushfire determination (currently in draft form). Combines two existing Determinations (basically) and Part 1a of 2014 Regulations. Covers bushfire hazard management plans, can be prepared by accredited assessor, access, water supply, hazard management areas, emergency plans and when low risk work is elevated to notifiable work. | <p>As above (building controls aren't going to change much when the Tasmanian planning scheme comes in).</p> | <p>As above (building controls aren't going to change much when the Tasmanian planning scheme comes in).</p> |
| <p><u>Report required from Chief Officer for notifiable building work</u></p> <ul style="list-style-type: none"> - Regulation 26A Building Regulations 2016 – report from Chief Officer needed & must be taken into account when issuing certificate of likely compliance for work, if work will involve adding/altering or removing fire safety requirements, or non- | <p>Fire Service Act 1979 and General Fire Regulations 2010 currently don't have any</p> | <p>Currently no apparent overlap.</p> |

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| provision of fire safety requirements where those features may be required (unless these are deemed to be minor). | provisions/restrictions on occupancy permits. | |
| <u>Report required from Chief Officer for permit building work</u> <ul style="list-style-type: none"> - Regulation 27 Building Regulations 2016 - report from Chief Officer needed & must be taken into account when issuing certificate of likely compliance for work, if work requires fire safety requirements under provisions of National Construction Code or is to include any fire safety requirements (unless these are deemed to be minor). | Fire Service Act 1979 and General Fire Regulations 2010 currently don't have any provisions/restrictions on when reports can be provided and what they need to contain. | Currently no apparent overlap. |
| <u>Report required from Chief Officer for occupancy permit</u> <ul style="list-style-type: none"> - Regulation 67 Building Regulations 2016 – report required for occupancy permit from Chief Officer if report required from Chief Officer as part of obtaining approval for building work. - Report must include statement of suitability of fire safety features in building, and whether evacuation plan for building has been approved in principle under General Fire Regulations 2010. | Fire Service Act 1979 and General Fire Regulations 2010 currently don't have any provisions/restrictions on when reports can be provided and what they need to contain. | Currently no apparent overlap. |