



## Industry Bulletin 145

# Fire safety – open carport provisions and roofed outdoor areas

**The intent of this Industry Bulletin is to confirm the fire safety requirements for roofed outdoor areas, commonly referred to in Western Australia as patios.**

The Building and Energy Division of the Department of Mines, Industry Regulation and Safety (Building and Energy) is often asked the question - **Can the open carport concession be applied to a patio?**

The simple answer is: **No.**

This has been addressed in a video produced by the Australian Building Codes Board (ABCB) called "[Can the open carport concession apply to a patio?](#)"

The concession found in the National Construction Code (NCC) 2019 Volume Two Part 3.7.2.6, which exempts the need for certain fire separation requirements for Class 10a buildings, applies to an open carport only. Therefore under Deemed-to-Satisfy (DtS) provisions it does not apply to a roofed outdoor area used for any other purpose.

However, a Performance Solution may be considered in accordance with Part A2.2 to demonstrate compliance with Performance Requirement P2.3.1 - Spread of fire, which requires that a Class 1 building be protected from the spread of fire from:

- (i) another building other than an associated Class 10 building; and
- (ii) the allotment boundary, other than a boundary adjoining a road or a public space.

**Please note:** parts referenced from the NCC in this bulletin relate to NCC 2019 Volume Two, which contains requirements for Class 1 and Class 10 buildings (housing). NCC 2022 will be adopted on 1 September 2022, which is proposed to have a new convention regarding the numbering for clauses and parts in the NCC.

### Further guidance and links

The ABCB has produced a number of [supporting resources](#) which help with knowledge and understanding of Performance Solutions and how these are developed. These resources also include CPD courses.

In addition to this, the ABCB has produced the [Australian fire engineering guidelines](#) which contain contemporary information for the fire safety design of buildings and provides guidance to fire engineers on analysis and evaluation strategies of a project.

Building and Energy has also published [Guidance on fire safety Performance Solutions](#).

Building and Energy is proposing to submit a Proposal for Change to the ABCB to consider more specific DtS provisions for roofed outdoor areas in the Housing Provisions of the NCC. In the meantime, if a roofed outdoor area cannot demonstrate compliance with existing DtS provisions then a Performance Solution would need to be developed to meet all relevant Performance Requirements.

**Disclaimer** – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

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