



# ADVISORY NOTICE BUILDING

04/08

Advisory Notices are issued to assist in the interpretation of the Development Act 1993

March 2008

## TECHNICAL:

### Adoption of legislative changes relating to brush fences

On 29 November 2007 a number of changes to the Development Regulations 1993 relating to brush fences were gazetted. These changes included the adoption of a new *Minister's Specification SA 76C – Protection of buildings exposed to brush fences*, which introduced new fire safety provisions where the distance between a Class 1 or Class 2 building and a brush fence will be less than 3 metres.

The provisions of the Specification are additional to those required by the Building Code of Australia (BCA) and the South Australian Housing Code.

#### BACKGROUND

Brush fences in close proximity to Class 1 and Class 2 buildings have been identified as potential fire hazards that could pose a risk to the safety of occupants of those buildings. Minister's Specification SA 76C outlines additional fire safety measures for protecting Class 1 or Class 2 buildings to reduce the likelihood of a fire spreading to such a building from a brush fence.

#### SUMMARY OF CHANGES

##### The amendments to the Development Regulations include-

*Regulation 5 – Application of Act* has been amended to include a new sub-regulation (1a) that excludes brush fences from requiring development plan consent by reference to a new *Schedule 1A*.

*Regulation 76c Fire safety requirements – Brush fences* has been inserted to adopt the new fire safety requirements, including adoption of Minister's Specification SA 76C, which contains the technical building requirements.

*Schedule 1A – Development that does not require development plan consent*, has been inserted to exclude brush fences from requiring development plan consent.

*Schedule 3 – Acts and activities which are not development* has been amended to include new sub-clauses 4(1)(e)(v), 4(1)(ea)(v) and 4(7) to clarify that a brush fence constructed closer than 3 metres to a Class 1 or Class 2 building is development.

*Schedule 3A – Colonel Light Gardens State Heritage Area* has been amended to include new sub-clauses 4(1)(e)(v) and 4(8) to clarify that a brush fence constructed closer than 3 metres to a Class 1 or



Class 2 building is development.

*Schedule 4 – Complying development* has been amended to replace sub-clause 14(b) and sub-clause 14(1). This is to clarify that a brush fence constructed closer than 3 metres to a Class 1 or Class 2 building requires a building rules assessment and development approval.

*Schedule 5 – Requirements as to plans and specifications*, clause 1 has been amended to include sub-clause (5), sub-clause (6) and sub-clause (7), regarding the documentation required to be submitted to the relevant authority when an assessment of a brush fence is required.

#### **FURTHER INFORMATION**

The adoption of Minister's Specification SA 76C has resulted in new requirements for protection of buildings exposed to brush fences. The gazettal notice for adoption of this Specification can be downloaded from the Government Gazette website at [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au)

Further information about the implementation of these requirements can be found on the Planning SA website at [www.planning.sa.gov.au/go/brush-fences](http://www.planning.sa.gov.au/go/brush-fences) and a *Questions and Answers* sheet providing additional information and interpretation of the provisions included in Minister's Specification SA76C can be found at [www.planning.sa.gov.au/go/building/technical-information/minister-s-specifications](http://www.planning.sa.gov.au/go/building/technical-information/minister-s-specifications).



### **Further information**

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