

Planning SA - Building Branch

Protection of buildings exposed to brush fences – Minister's Specification SA 76C

QUESTIONS & ANSWERS:

Note: The intent of these questions and answers is to provide additional information and interpretation of the provisions included in Minister's Specification SA 76C.

Options are provided for those who wish to retain an existing brush fence or erect a new brush fence located within 3 metres of a dwelling. The information is based on the cost of fire rating that part of the dwelling exposed to the brush fence compared to the cost of a new fence of an acceptable material.

Q: Will the new provisions affect existing brush fences if I am not making any changes to my home or the fence?

A: No, if you have an existing brush fence and are not proposing any new development the new provisions for protection of buildings exposed to brush fences is not applicable.

Q: What am I required to do if I am building a new dwelling adjacent to an existing brush fence?

A: If the brush fence is to be retained, the proposed dwelling must be a distance of 3m or greater from the existing brush fence. If the distance is less than 3m the external wall will need to be fire resisting in accordance with clause 6.1 and 6.3 of *Minister's Specification SA 76C*. The fire resistance level will need to be a minimum of 60/60/60 (1 hour of fire resistance).

The fire resisting construction includes all construction elements of the external wall, including windows and doors. The eaves and roof must also be constructed of a non-combustible material. For further information please refer to *Minister's Specification SA 76C, Figure 6.3(c)*.

Q: Where do I measure the 3m distance from to the boundary? i.e. from the eaves, or external wall to the fence.

A: The prescribed 3m is measured from any point on the brush fence in a straight line to the face of the external wall of the dwelling. Refer to *Minister's Specification SA 76C, Figure 6.3(a) & 6.3 (b)*.

Q: Do I need to comply with the new provisions if my brush fence needs to be repaired / repacked?

A: No, repair work of brush fences is not recognised under the Development Act as development. However if the brush fence is being replaced it will require a development application and will need to comply with the new provisions. Please note that a development application is required regardless of the height of the new brush fence.

Q: Do the provisions apply to all types of residential dwellings?

A: The provisions apply to Class 1 (detached houses) and Class 2 dwellings (flats and apartments) which are also not permitted to share a common roof space with a garage or carport if the garage or carport is closer than 3m to a brush fence.

Q: The proposed dwelling is greater than 3m from the side brush fence, however the attached double garage is only 900mm from the brush fence; does this comply?

A: It is permitted provided the garage does not share the same roof space with the dwelling. Refer to *Figure 6.4(b) of Minister's Specification SA 76C*.

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Q: A group of 3 storey Class 2 units is proposed to be built adjacent to an existing brush fence (within 3m). What provisions will the owner have to meet in order to satisfy the new requirements? What other options do they have?

A: Because the block of units is within the prescribed distance any part of the external wall exposed within a radius of 3m from the brush fence will need to be fire rated, including the window and door openings within that part of the wall. *Refer to Minister's Specification SA 76C, Figure 6.3(d)* for further information.

Another option would be to build with a setback of 3m from the brush fence, or approach the adjoining neighbour and request permission to erect a new fence of a suitable material other than brush.

Q: Who owns the fence?

A: The fence between two properties is recognised by the *Fences Act* as being jointly owned. You will need to negotiate with the adjoining owner for a new fence. Please refer to the *Fences Act* for further detail on the legislative requirements. This Act sets out the obligations for advising adjacent owners and the process for resolving disputes, including allocation of costs.

Q: I have a site that has a dwelling on it and a pergola. The pergola is less than 3m from the location of proposed a brush fence. Can we build the brush fence?

A: The brush fence can be built adjacent to the pergola (as the pergola is not defined as development work). As long as the distance from the dwelling, and any other dwelling on the same or an adjoining allotment to the fence is more than 3m, the brush fence can be built.

Q: If I have a proposed window within 3m of a brush fence can I provide a screen to fire rate the window?

A: This situation may be considered as an alternative solution; however it is up to the relevant authority to make this decision. It must also be assessed in accordance with the methods referenced in *Minister's Specification SA 76C*, clause 3.3.

Q: What is the approximate cost of fire rating building elements with 1 hour protection?

A: A standard brick veneer wall will meet the 1 hour protection requirements but any opening must be protected.

It is estimated that the supply and installation of two non-openable fire rated (-/60/-) windows (600x900mm), one non-openable fire rated window (1200x1200mm), a 35mm solid-core external door and standard door closer would cost approximately \$3000 more than standard non-fire rated building materials.

The cost could escalate depending on the number and size of windows and doors within the exposed wall.

Please note that the cost of fire rating building elements could be considerably less if the potential fire hazard of brush fencing is identified at design stage. This may enable provisions to be incorporated at design stage to reduce the amount of glazing within the exposed wall.