



Building Newsflash

Local Councils Building Certifiers Building Designers Architects

Fire Separation Assessment and Boundary Setback Relaxations

Purpose

To provide advice on the procedures applicable to the assessment of fire separation requirements for a single detached Class 1a building located less than 900mm from a side or rear boundary.

Assessment under section 20 of the *Standard Building Regulation 1993 (SBR)*

In assessing requests to reduce boundary setbacks under section 20 of the SBR, some local governments have considered the effect of fire spread between properties. Appeals to the Building and Development Tribunal on this issue have resulted in the decision being set-aside. The basis of the Tribunal decisions has been that a local government does not have the power to consider fire safety when making an assessment under the provisions of section 48 of the SBR.

Section 48 of the SBR deals with the effect the development will have on the general amenity of the allotment and adjoining properties. It does not allow for consideration of the effect of fire spread between buildings. This is a technical provision under part 3.7 of the BCA that the building certifier must consider when assessing a development application for building work.

Preliminary approval under Integrated Development Assessment System (IDAS)

An applicant may apply to a local government for a boundary relaxation prior to lodging an application with a private certifier. This is an application for a preliminary approval under IDAS. In this case the local government is not restricted to the provisions of section 48 of the SBR and should assess any other relevant aspects of the development, including fire safety. If a preliminary approval is given, the approval must state the aspects of development approved. If fire separation has been addressed, this must be stated.

Private certifiers' obligations

If a siting relaxation is approved by the local government, the private certifier must ascertain whether there is a need to assess the proposal against the fire separation provisions of the BCA. There are three potential scenarios:

1. The local government has considered the relaxation under sections 20 and 48 of the SBR, in which case the fire safety provisions will not have been addressed. The private certifier must therefore assess whether the building work complies with the fire separation provisions of the BCA.
2. The local government has issued a preliminary approval, and it does not refer to the assessment of fire safety aspects. Again the private certifier must assess whether the building work complies with the fire separation provisions of the BCA.
3. The local government has issued a preliminary approval which states the fire aspects have been assessed. The private certifier does not have to assess fire separation.

Related Newsflashes

- Amenity and Aesthetic Assessments (Issued 26/10/01)
- Variation of Corner Allotment Setbacks (Issued 26/10/01)

Please contact Mr John Lamb on (07) 323 71712 should you require further information regarding these matters.