Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Indicative BAL ratings in bushfire risk assessments

This bulletin is to provide general guidance regarding the use of indicative bushfire risk assessments under the building approval system.

Background

The *Building Act 2011* and its associated Building Regulations 2012 adopt the Building Code of Australia (BCA) as the primary applicable building standard for new building work. The BCA 2016 bushfire performance requirements GP5.1 and P2.3.4 require certain residential buildings (being Class 1, Class 2 or Class 3 buildings and associated Class 10a buildings or decks) located in a designated bushfire prone area to be designed and constructed to reduce the risk of ignition from a bushfire appropriate to the intensity of bushfire attack on the building.

The BCA 2016 references AS 3959 - Construction of buildings in bushfire-prone areas (2009, incorporating Amendments Nos 1, 2, and 3) as a Deemed-to-Satisfy (DTS) solution for demonstrating compliance with the BCA bushfire performance requirements.

BAL done in accordance with AS 3959

AS 3959 provides a process for undertaking bushfire risk assessments to determine a bushfire attack level (BAL). A BAL provides a measure of the potential intensity of bushfire attack on the building, or proposed building. AS 3959 provides two procedures for determining a BAL:

- a simplified procedure (known as Method 1); and
- a detailed procedure (known as Method 2).

There are several elements that require a site specific assessment in order for a BAL rating to be determined in accordance with the methods set out in AS 3959. One of these elements is an assessment of the distance between the building, or proposed building, and the classified vegetation. This means an assessment done in accordance with AS 3959 should not rely on any proposed vegetation modification (such as clearing) or conditions within the BAL assessment to achieve the stated BAL.

What is an indicative BAL?

An 'indicative BAL' or 'achievable BAL' is generally considered to be an indicative assessment of the BAL ratings that might be achievable on, or across, a particular site if:

- a development or subdivision was laid out in a certain way; and/or
- certain site works were undertaken on the site to achieve stated setbacks between a building and bushfire prone vegetation (classified vegetation).

Indicative BALs are often done in support of planning proposals as a requirement of State Planning Policy 3.7 Planning in Bushfire Prone Areas to identify land suitable and unsuitable for development. Indicative BALs are often included as part of a BAL Contour Map or Bushfire Management Plan (BMP), or at the sales or building design stage for providing general advice on the BAL that might be achievable for a building on the site if certain site works were undertaken or the building was placed in a particular location. In general, the processes for developing indicative BALs for BAL Contour Maps and BMPs are set out in 'Guidelines for Planning in Bushfire Prone Areas' (published by the Western Australian Planning Commission (WAPC)) and its associated factsheets.

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The processes for developing an indicative BAL usually rely on using certain 'principles' of AS 3959, amongst other requirements, for illustrating what indicative BALs might be achieved on or across the site.

Some of these processes may also require a compliance certificate or statement from a bushfire consultant that verifies the accuracy of the indicative BALs after works to the site are complete. If relevant, a compliance certificate or consultant verification statement is often completed prior to the issuing of titles, as a condition of approval. Its purpose is to provide the planning decision maker with confidence that the assumed site works have taken place in accordance with the BMP.

Using an indicative BAL under the building approval process

For the purposes of the building approval system, the use of an indicative BAL is generally considered a performance solution under the BCA. Unless an indicative BAL has been verified as accurate in accordance with the methods set out in AS 3959 (done after any site works or vegetation modification has occurred), it is not considered a DTS solution.

Where compliance with the BCA is intended to be in accordance with AS 3959 as a DTS solution and an indicative BAL has been provided for the building approval process, the building surveyor signing the relevant certificate of compliance should be satisfied that the indicative BAL is representative of the current conditions on the site. For example if development works were required in order to achieve the indicative BAL, such works have been carried out. The following are some examples of ways to verify the accuracy of the indicative BAL:

- certification/statement from the bushfire consultant;
- site inspection; or
- aerial photography or other evidence that demonstrates compliance.

Where it is not possible to confirm or verify the accuracy of the indicative BAL in order to satisfy the DTS requirements of the BCA (such as using one of the above examples) then a new assessment of the intensity of bushfire attack (such as a site specific BAL in accordance with AS 3959) may need to be obtained.

In any other case, the use of an indicative BAL should be documented on the plans and specification as a performance solution and be listed as a performance solution on the relevant certificate of compliance by the building surveyor. Building surveyors must be satisfied, and have evidence, that the performance solution using the indicative BAL addresses the BCA requirements for demonstrating how the building complies with the relevant bushfire performance requirements of the BCA.

Approval of bushfire assessments by other decision makers

Approval by a planning decision maker (such as the WAPC, a local government or redevelopment authority) of a BAL assessment, BAL Contour Map, BMP or the like, does not remove the requirement for the building surveyor to be satisfied that the bushfire risk assessment—used as part of the building approval process—is correct and meets the requirements of the BCA. If the building surveyor is satisfied that the bushfire risk assessment is suitable to be used as part of the building approval process, a separate bushfire risk assessment need not be requested.

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