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## **Review of BAL Assessments by Building Surveyors (BS)**

Whilst it may be appropriate to accept Bushfire Attack Level (BAL) documentation based on overhead photography for obvious areas (for example an inner suburban area), it is not appropriate to accept BAL documentation based solely on overhead photography where there is evidence of predominant threat vegetation. A proper BAL assessment can be complicated, and where there is significant vegetation, it is not possible to determine a BAL from overhead photographs alone. The only way to determine the BAL for these sites is to visit and survey the site, take proper measurements of slope and distances to vegetation, determine the vegetation type and then apply exclusions if appropriate.

Building Surveyors are also reminded that they must not undertake the BAL assessment if they are the BS for the proposed building work. There are a number of reasons for this. Firstly, the BAL assessment must be carried out before the building work is designed in order that the building design documents reflect the BAL assessment. Secondly, the BS cannot act independently at the building permit checking stage if they are also the designer who has prepared the BAL assessment.

Thirdly, the *Building Act 2000* (the Act) prohibits the BS from contributing to the design of a building for which they have accepted an appointment.

Building Control will be including a review of BAL assessments and processes in its ongoing audit program.

To ensure community safety, the BS must be satisfied that:

- The BAL for a site is appropriate;
- That the building design documents clearly demonstrate construction requirements that are appropriate for that BAL; and
- That the required building standards are applied in the construction of the

building, including the access roadway and water supply.

The BS must be satisfied that the BAL is correct for any site for which a building permit application is received. The BS is entitled to, and should, make appropriate inquiries to determine that the person who has carried out the BAL assessment has the necessary experience and expertise; and that the BAL assessment is an accurate reflection of true site conditions. Where appropriate, the applicant should be required to have the assessment amended to more accurately reflect the site conditions.

The BAL assessment documentation should be accurate and sufficient for the building surveyor to form an opinion that the BAL assessment provided is reasonable. Previous information on BAL assessment documentation has been sent to all building designers and architects. This would include the following minimum information:-

- Evidence of a site visit.
- Site plan and building plan.
- The distances from vegetation. For all 4 quadrants.
- The vegetation type or types. For all 4 quadrants
- The slope of the land in relation to vegetation (up slope or down slope). For all 4 quadrants.

- The determination of the BAL using AS 3959 – 2009 for each quadrant.
- Determination of critical BAL.
- Photographic, satellite mapping, the “List” or other spatial or cadastral information to support the inputs listed above.
  - o Aerial photos
  - o Google satellite maps if current
  - o The “List” has contour maps and other information
- Survey plans
- Vegetation maps

To prevent people from “shopping around” for a BAL, the BS should ensure the BAL assessment is in accordance with AS3959-2009. If the BS is aware that the owner is seeking alternative BAL assessments the BS should inform the owner that a lower BAL may not necessarily be accepted. As you are aware the BAL dictates the construction requirements, which can mean the difference between life and death in a bushfire event.

It should be remembered that s.240 of the Act makes it an offence for a person to knowingly make a false or misleading statement; this includes lodging false or misleading information with an application for a building permit. It is also the responsibility of the BS to properly follow through jobs until completion to ensure the work is carried out in accordance with the building permit documents which includes complying with the requirements of AS3959-2009. If, on inspecting the building site, the BS observes that the site conditions are different to what was included in the BAL assessment, then the BS must take action to rectify the inaccuracy.

The BS should instruct the owners, in writing, that the BAL assessment provided is not considered to be accurate and the reasons why it is considered to be incorrect.

The owner should be given options to either appeal the BS decision or seek another BAL assessment from an independent bushfire hazard assessor. A BS may accept a Certificate of Others from a TFS-accredited bushfire hazard assessor. However, like all Form 55s the BS should do a due diligence check on what he is presented with.

Note: Victorian Building Authority information is acknowledged as the guide for this Advisory Note.

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