Development on sites assessed as being subject to BAL-40 or BAL-FZ can be inherently dangerous and must be addressed as a Performance Solution.

The survival of people and buildings in a bushfire is reliant on a range of protection measures in combination. These include:

- Hazard management areas (separation from the hazard);
- Construction standards (building resistance to bushfire attack);
- Firefighting water supplies;
- Firefighter access; and
- Emergency planning.

The minimum building construction requirements are informed by the assessed Bushfire Attack Level (BAL) and become incrementally more stringent as exposure to bushfire attack increases.

Developing a site to BAL-40 or BAL-FZ (Flame Zone) standard exposes people and buildings to significantly greater risk than developments located and built to lower BALs.

Some key issues with building to BAL-40 or BAL-FZ include:

- Building occupants will be placed in greater danger – their ability to safely defend the property, take refuge or escape will be constrained;
- Firefighters may be unable to safely defend the building;
- Building costs are more significant; and
- Building losses are more likely.
REGULATORY REQUIREMENTS

Tasmanian building regulations specify Deemed-to-Satisfy (DTS) requirements for habitable buildings in bushfire-prone areas.

The DTS provisions require that most types of habitable development be sited with enough separation from the hazard to ensure bushfire attack does not exceed BAL-19 if on a lot created under the Bushfire-Prone Areas Code or BAL-29 if on a pre-existing lot.

There are no DTS provisions for building work on sites assessed as BAL-40 or BAL-FZ.

Building work on a site assessed as BAL-40 or BAL-FZ can only satisfy Tasmanian building regulations via a Performance Solution that responds to site-specific risk factors and can demonstrate that a tolerable risk outcome is achievable.

This regulatory arrangement is consistent with the Victorian Bushfires Royal Commission of 2009, which advised against providing Deemed-to-Satisfy provisions that would normalise the placement of buildings and people in positions of extreme risk.

PERFORMANCE SOLUTIONS FOR BAL-40 & BAL-FZ

If a performance solution for BAL-40 or BAL-FZ is being considered, Tasmania Fire Service should be consulted early in the planning and design process.

A Performance Solution involving BAL-40 or BAL-FZ development will only be supported where the exposure of people and buildings to increased risk cannot reasonably be avoided and where a tolerable risk outcome is demonstrated.

Some examples where a Performance Solution may be warranted include:

- Additions or alternations to an existing non-compliant building;
- Development of a site that cannot otherwise be developed for the purpose it was zoned for;
- An eco-tourism development that is reliant on a location within an environmentally sensitive area.

<table>
<thead>
<tr>
<th>BAL Level</th>
<th>Description</th>
<th>Deemed to Satisfy</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAL-Low</td>
<td>Insufficient risk to warrant additional construction standards for bushfire protection (Nb: this does not imply that there is no risk).</td>
<td>✔</td>
</tr>
<tr>
<td>BAL-12.5</td>
<td>Ember attack and radiant heat up to 12.5kW/sqm.</td>
<td>✔</td>
</tr>
<tr>
<td>BAL-19</td>
<td>Increasing ember attack and windborne debris, radiant heat up to 19kW/sqm.</td>
<td>✔</td>
</tr>
<tr>
<td>BAL-29</td>
<td>Increasing ember attack and windborne debris, radiant heat up to 29kW/sqm.</td>
<td>✔</td>
</tr>
<tr>
<td>BAL-40</td>
<td>Increasing ember attack and windborne debris, radiant heat up to 40kW/sqm. Intermittent flame contact.</td>
<td>✗</td>
</tr>
<tr>
<td>BAL-FZ</td>
<td>Direct exposure to flames, radiant heat and embers from the fire front.</td>
<td>✗</td>
</tr>
</tbody>
</table>