

A message from the Construction Occupations Registrar

Construction Note: 2026-04

Bushfire Attack Level (BAL) Requirements

Some developments are located in areas around the ACT that have a higher risk of being affected by a bushfire, the purpose of applying additional minimum construction requirements is to provide resistance to bushfires in order to reduce the danger to life and reduce the risk of the loss of the building.

Navigating when these are required can be a bit tricky depending on where the proposed development is, if the development required a development approval or not and the proposed class of building.

As identified in the National Construction Code, the objective only applies to certain class of buildings, while this is may not be clearly identified across the Planning Act it is the intention that this is how it is to be applied.

- Class 1 building, or a Class 10a building or deck associated with a Class 1 building
- Class 2 or 3 building or a Class 10a building or deck immediately adjacent or connected to a Class 2 or 3 building
- Class 9a health-care building, a Class 9b early childhood centre or primary or secondary school, a Class 9c residential care building or a Class 10a building or deck immediately adjacent or connected to any of the above buildings

As always, these requirements are the bare minimum requirements, there is nothing stopping anyone from exceeding the bare minimum.

Development on non-urban land

If the development is on *non-urban land* as defined in s 44 of the [Building \(General\) Regulation 2008](#), it is a bushfire prone area for the purpose of the building code and the relevant performance requirements must be satisfied.

Development on Urban land that has an approved Development Approval

As the development is on urban land, the provisions in the building code are not applicable.

If the block is within a bushfire prone area as identified in the [ACTmap Bushfire Map](#), once a completeness check has been passed and the fee's have been paid, the application may be referred to ACT Emergency Services Agency for their assessment and comments which may result in approval, conditional approval, or further information being required.

The Notice of Decision may include a condition that a specific BAL has been identified or that a site-specific BAL assessment report prepared by a suitably qualified bushfire consultant be undertaken.

- Where a BAL is identified, the development must be constructed in accordance with that level.

Development on Urban land that is exempt from requiring a Development Approval

The Development Controls in relation to BAL requirements for exempt development are set out in the relevant '*Planning (Exempt Development) Single Dwelling Housing Development Control – District Declaration*' which are instruments in the [Planning \(Exempt Development\) Regulation 2023](#).

All requirements set out in a District Declaration are mandatory.

- Where a BAL is identified, the development must be constructed in accordance with that level.
- Reduction of the BAL is only allowable as outlined in the standards. No other reduction of BAL is allowable as exempt development.

Minimum documentation requirements for building approval

The [Minimum documentation requirements for building approval lodgement class 1 and 10 – residential construction](#) and the [Building \(Minimum Documentation and Information for Building Approval Applications - Class 2-9 Buildings\) Guide 2019](#) outline the minimum requirements that are to be on the plans or to be provided in a separate document as part of the building approval.

In relation to BAL construction requirements this includes but is not limited to weephole guards, roof cladding sealing requirements, exterior cladding requirements, window and glazing details.

All building approvals are subject to a completeness check, approvals that are issued without meeting the minimum requirements will be check failure and fees are applicable.

Carrying out building work

The licenced builder must ensure that all building work, including building material, complies with relevant sections of AS 3959 – *Construction of Building in Bushfire-prone areas* and/or NASH Standard – *Steel framed Construction in Bushfire Areas* as applicable.

If you are unsure of the requirements, contact the appointed certifier for your development before commencing work. Certifiers are required to report non-compliant bushfire construction to the Registrar.

Construction notes have been developed to raise awareness and educate the building and construction industry about common issues identified on building sites and best practice approaches to address them. The issues outlined in these notes have been identified through compliance assessment by Access Canberra or following a complaint from owners. Importantly, we welcome your input, if you have come across an issue that needs clarification or to provide feedback email us: BBS@act.gov.au or call 02 6205 2244.



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