



## POSITION STATEMENT SUMMARY

# Applicable Building Code of Australia (BCA)

## Position

Effective 29 April 2024, the following is a position of Fire and Rescue NSW (FRNSW):

FRNSW will not determine or advise on the *Building Code of Australia* (BCA) edition to use for any building or project. The certifier is responsible for determining the applicable edition of the BCA, including for staged building work.

Certifiers are expected to apply the In force *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, including any Savings and Transitional Provisions as relating to the application date.

Further guidance can be obtained from NSW Fair Trading at <https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers/certifier-responsibilities>.

Reference must be made to the FRNSW website to ensure this position is current at the time of use, and this position has not been superseded or revoked.

## Summary

This position statement supersedes the previous position 'Use of national Construction Code (NCC) 2022' last updated on 3 November 2022. The previous position became obsolete after 1 May 2023 when NCC 2022 was adopted in NSW.

This position has been revised to apply more generically, instead of being specific to NCC 2022, and incorporates wording reflected in the *EP&A(DCFS) Regulation* (i.e. BCA instead of NCC).

This position intends to assist all building proponents who may seek consultation and/or assessment services and direct them to the certifier where such responsibility rests.

Informative commentary directs all building proponents to the legislative provisions applicable to the certifier determining the BCA edition, including a reminder that Savings and Transitional Provisions may apply to the development.

Informative commentary also directs all building proponents to NSW Fair Trading, who are the regulators of registered certifiers in NSW, if they need to seek further guidance on this issue.

This position statement has been authorised for release by Chief Superintendent Fire Safety, FRNSW.

## Contact us

For further information contact the Fire Safety Branch on (02) 9742 7434 or email [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au).

### Fire and Rescue NSW

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