



ADVISORY NOTICE BUILDING

03/05

Advisory Notices are issued to assist in the interpretation of the Development Act 1993

March 2005

TECHNICAL:

Development Regulations 1993

Smoke alarms in existing Class 1 & 2 dwellings

THIS ADVISORY NOTICE SUPERSEDES ADVISORY NOTICES 5/96 & 2/98 AND HAS BEEN PREPARED TO PROVIDE CONSOLIDATED INFORMATION ABOUT SOUTH AUSTRALIAN REQUIREMENTS FOR SMOKE ALARMS IN EXISTING DWELLINGS

In addition to the requirements for smoke alarms in the Building Code of Australia, regulation 76B of the Development Regulations 1993 requires that all existing Class 1 and 2 dwellings must have at least one smoke alarm complying with Australian Standard AS 3786-1993 installed in locations that will provide reasonable warning to occupants of bedrooms in the event of a fire, so that they may safely evacuate the building.

Class 1 buildings include both Class 1a buildings and Class 1b buildings. Class 1a buildings are single dwellings, which can be either a detached house or one or more attached dwellings that are separated by a wall with a fire resistance level of 60/60/60 (ref clause 3.7.1.8) and which are not located above or below another dwelling or class of building other than a private garage. This includes a row house, terrace house, townhouse or villa unit. Typically, residential units provided in retirement villages and certain types of holiday accommodation, such as cabins in caravan parks, are likely to be Class 1a dwellings.

Class 1b buildings are residential dwellings such as boarding houses, guest houses, hostels or the like with a total floor area not exceeding 300m², where the total number of people residing in the dwelling at one time does not normally exceed 12 persons, and which are not located above or below another dwelling or class of building other than a private garage.

Class 2 buildings are residential buildings containing 2 or more sole-occupancy units, each being a separate dwelling. Each separate dwelling must have a kitchen sink and facilities for the preparation and cooking of food; a bath or shower; a toilet and wash-basin; and a bath or shower. In addition, clothes washing and drying facilities must be provided either within the dwelling or in a separate laundry facility that may be used by the occupants of up to 4 other dwellings. Typically apartment buildings are classified as Class 2 buildings and need to have smoke alarms provided in each dwelling.

In existing buildings the required smoke alarms may be powered by removable batteries; by 10 year life non-replaceable, non-removable, permanently connected batteries; or by mains source electricity. However, within six months of any dwelling being sold after 1 January 2000, all required smoke alarms in that dwelling must be powered by either mains source electricity or by 10 year life non-replaceable, non-removable, permanently connected batteries.

The date of sale is the date on which the title of land is transferred. In the case of strata and community units, the date on which a title of land is transferred is taken to be the date on which the interest of a unit holder of a unit under the Strata Titles Act 1988 is transferred; the date on which the interest of an owner of a community lot under the Community Titles Act 1996 is transferred; or the date on which the interest of an occupant of a unit in a building unit scheme is transferred.

Location of smoke alarms in dwellings

The requirements for installation of smoke alarms in new buildings in the Building Code of Australia (BCA) can be used as a guide for the determining appropriate numbers and locations for smoke alarms in existing buildings. For Class 1a buildings these can be found in clause 3.7.2.3 and figure 3.7.2.1 of BCA Volume Two, which requires smoke alarms to be installed on or near the ceiling in every storey, and in any storey containing bedrooms the alarms must be located between each part of the dwelling containing bedrooms and the remainder of the dwelling. In addition, smoke alarms must be installed in any hallway leading to bedrooms. For Class 1b buildings clause 3.7.2.4 requires smoke alarms to be installed on or near the ceiling in every storey, in every bedroom, and in any corridor or hallway associated with a bedroom.

Figure 3.7.2.2 provides guidance on where smoke alarms should be located in two storey buildings.

Types of smoke alarms

Smoke alarms contain a smoke detection facility that may use either an ionisation type or photo-electric type system. **Ionisation type smoke alarms** are the most widely used and are very effective in detecting flaming fires because they can detect small diameter smoke particles before they become visible to the naked eye. Ionisation detectors are therefore suitable for all areas not affected by cooking, combustion heating appliances, or open fires (which can constantly set off the alarm). **Photo-electric type smoke alarms** are more suitable for areas likely to be affected by cooking or heating appliances, because they are triggered by larger smoke particles (as may be produced from smouldering fires). Photo-electric detectors can, however, also trigger an alarm if there is steam present.

A development approval is not required prior to installing smoke alarms in existing Class 1 and 2 dwellings.

In accordance with Clause 4 (6) of Schedule 3 'any work undertaken solely for the purposes of fitting a smoke alarm in accordance with the requirements of regulation 76B' is an activity that is excluded from the definition of development requiring approval.

Compliance issues

If at least one smoke alarm has not been installed in an existing dwelling as required, the owner of the building is guilty of an offence for which a penalty can be imposed by the Environment, Resources and Development Court (max \$750 in January 2005).

Although local councils have a responsibility to monitor the safety of buildings within their council area, it is not considered appropriate for council officers to use these powers to enter and inspect private dwellings

to check if smoke alarms have been installed. However, if a complaint is received by council from a residential tenant complaining that a landlord is refusing to install smoke alarms as required, then the Council has a duty of care to follow up on the matter. This may simply involve an initial letter to the owner of the building to remind him or her of their responsibilities under the Development Regulations, but if this fails to achieve compliance, further enforcement action under section 84 of the Development Act may be considered necessary.

Maintenance of smoke alarms

Smoke alarms can become ineffective if they are not maintained in good working order. Building owners therefore need to regularly test all smoke alarms to check if the alarm is still working. Smoke alarms are supplied with instructions for testing by the manufacturer and have some form of test button or light beam provided for this purpose.

Batteries in smoke alarms (including backup batteries in hard-wired units) need to be replaced regularly, usually once a year. Some smoke alarms emit a warning 'chirping' sound when the battery needs replacement. Replacement batteries should always be of the type specified by the smoke alarm manufacturer, as using an incorrect battery may seriously affect the operation of a smoke alarm.

Smoke alarms should also be cleaned once a year by dusting or vacuuming to remove dust particles that may affect the operation of the smoke alarm (or otherwise as recommended by the manufacturer).

Maintaining smoke alarms in good working order is the responsibility of the building owner, therefore in rented accommodation the landlord is responsible for ensuring that smoke alarms are kept in good working order.

Smoke alarms have a limited service life of around 10years, after which they should be replaced and disposed of safely in accordance with health and safety requirements as they may contain hazardous material.

Smoke alarms for disposal should be taken (not posted) to the Radiation Protection Section of the Department of Human Services, 103 King William Street, Kent Town (telephone 8130 0700). They may also be handed in to any fire station in the Adelaide metropolitan area or any rural centre serviced by the SA Fire Services (for forwarding to the Radiation Protection Branch).

Further information

The following brochures are available from the Planning SA website www.planning.sa.gov.au

- Smoke alarms save lives – You need to install smoke alarms by 1 January 2000
- Smoke alarms save lives – An important message for landlords

The following circulars are available from the SA Fire Services website www.samfs.sa.gov.au

- Domestic smoke alarms
- Domestic smoke alarm location
- Smoke alarms – South Australian legislation
- Smoke alarm disposal

Further information

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