

BUILDING SYSTEM

Building regulation advisory note

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New Smoke Alarm Requirements for Moveable Dwellings

This circular is to advise councils, industry practitioners, and other stakeholders of the forthcoming expansion of smoke alarm requirements under the Environmental Planning and Assessment (EP&A) Regulation to apply to moveable dwellings. It also conveys technical information about smoke alarms endorsed by Fire and Rescue NSW.

Introduction

In 2006 laws were introduced under the *Environmental Planning and Assessment Act 1979*, to require smoke alarms in existing buildings in which people sleep, where they were not already required or provided. The laws have been effective in enhancing safety and reducing loss of life in building fires. The *Building Code of Australia* determines when smoke alarms are required for new buildings and new building work.

To further enhance fire safety in NSW, on 25 February 2011 these laws will be expanded to also require smoke alarms in new and existing moveable dwellings where people sleep - subject to a six months grace period to enable time for compliance.

The expanded laws were introduced via the *Environmental Planning and Assessment Further Amendment Regulation 2010* (the Amending Regulation).

This circular provides advice on the new provisions and detailed technical information about smoke alarms, including their placement and other information endorsed by Fire and Rescue NSW.

Most domestic fire fatalities occur while people are asleep. A smoke alarm is an effective early warning device designed to detect smoke and alert occupants to the presence of a fire, if installed in the correct location. Essentially, it increases the time available for safe escape.

What is a moveable dwelling?

The Amending Regulation defines a 'moveable dwelling' to include a campervan, caravan, holiday van, park van, (rigid) annexe, associated structure and any other type of van or portable device used for human habitation.

However, the definition does **not** include moveable dwellings that comprise:

- a tent or structure that has two or more walls and a roof or ceiling primarily constructed of flexible fabric or plastic material. It was considered impractical to insist on smoke alarms being affixed to flexible material.
- a manufactured home or a relocatable home. Smoke alarms are required in these types of moveable dwellings by other legislation – namely, the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, and other provisions of the *Environmental Planning and Assessment Regulation 2000*.

When must a moveable dwelling be provided with a smoke alarm?

Functioning smoke alarms must be provided in accordance with the Amending Regulation in new and existing moveable dwellings where people sleep.

This requirement applies irrespective of whether the moveable dwelling is capable of being

registered under the *Road Transport (Vehicle Registration) Act 1997*. It also applies no matter where the moveable dwelling stands in NSW when being used for sleeping – for example, in a caravan park, on private property, on Crown land or on the side of a road, and to moveable dwellings travelling through NSW from other States and Territories.

When is a moveable dwelling not required to be provided with a smoke alarm?

A moveable dwelling is not required to be provided with a smoke alarm if a smoke alarm is already installed, or if no one sleeps in the moveable dwelling.

Existing smoke alarms will be considered acceptable, even if their manufacture does not comply with the specifications in the Amending Regulation - but only if they:

- were installed prior to 25 February 2011,
- are functional, and
- are installed in complying locations.

If these conditions are satisfied, new smoke alarms are not required to be installed until such time as the smoke alarm ceases to function or is removed, in which case it must be replaced with a complying smoke alarm.

What type of smoke alarm is required?

When a new smoke alarm is required to be installed it must be a functioning smoke alarm that:

- complies with Australian Standard (AS) 3786; (battery operated or hard wired) and
- is fitted with a hush button.

Note: a heat alarm cannot be installed instead of a smoke alarm in a moveable dwelling.

What is a “hush button”?

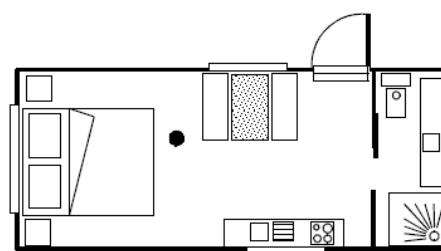
A hush button is a device fitted to a smoke alarm to silence it when there is a false (spurious) alarm and to deactivate the alarm for a temporary period (typically 15 minutes).

Moveable dwellings are generally of restricted size and when a smoke alarm is installed false alarms may arise during daily activities, such as cooking that produces smoke or steam. To avoid false and unnecessarily annoying alarms, care will need to be taken in selecting the most appropriate location for the smoke alarm. Wherever possible, they should be located away from cooking appliances and bathrooms.

How many smoke alarms must be installed and where must they be located?

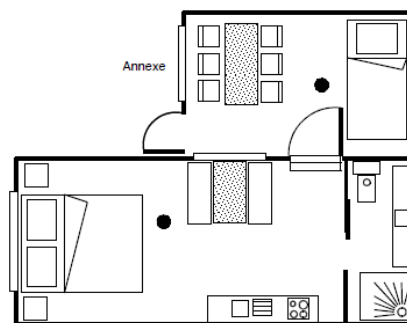
The number of smoke alarms required depends on the layout of the moveable dwelling. The Amending Regulation requires smoke alarms to be installed on or near the ceiling and located between that part of the dwelling in which people sleep and the remainder of the dwelling. The intent is to detect smoke before it reaches the sleeping occupants.

If there is only one sleeping area in the moveable dwelling then one smoke alarm may suffice. If there is more than one sleeping area, more than one smoke alarm may be required, for example, in a caravan with an associated rigid annexe that provides sleeping accommodation within both the caravan and the annexe.



● Suitable smoke alarm location

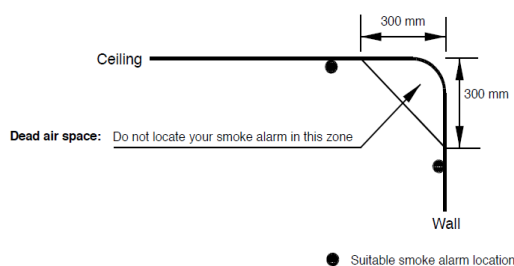
Example of moveable dwelling layout with one sleeping area



● Suitable smoke alarm location

Example of moveable dwelling layout with more than one sleeping area

Smoke alarms must be installed on or near the ceiling of the moveable dwelling as smoke from a fire commences filling the space from the top down. Special care is required to avoid ‘dead air spaces’ where trapped air will prevent smoke from reaching the alarm. This generally occurs at the apex of sloping ceilings and the corner junction of walls and ceilings.



Dead air space and proper mounting of smoke alarms

Where can I purchase a smoke alarm?

Smoke alarms are available at most hardware, home equipment, electrical and building supply stores, and also at a number of department stores. Care needs to be taken to ensure selection of the correct type of alarm.

Do I need development consent or any other approval to install a smoke alarm?

Development consent or any other approval is not required to install a smoke alarm in a moveable dwelling. Furthermore, the consent of the landowner (on which the moveable dwelling stands) is not required to install a smoke alarm in a moveable dwelling.

Do I need a licensed electrician to install my smoke alarm?

Smoke alarms can be hard-wired (powered from the mains electricity supply) or battery powered. Most battery-powered smoke alarms can be easily installed by the moveable dwelling owner or a maintenance contractor and do not require professional installation. If a hard-wired smoke alarm is chosen, it will need to be installed by a licensed electrician.

Smoke alarms for the hearing impaired

Smoke alarms issue an audible alarm upon detection of smoke particles. These alarms however may not be effective in alerting people with hearing impairments. A visual warning device such as a flashing strobe light, along with a vibration pad that can be placed under a pillow, can be connected to some smoke detectors. People should contact their hearing-impaired association for more details. Further information is also available on the Fire and Rescue NSW website at: www.fire.nsw.gov.au.

Who is responsible for compliance?

The owner of the moveable dwelling (not the owner of the land on which the moveable dwelling stands) is responsible for ensuring a

functioning smoke alarm is always installed in a moveable dwelling in which a person sleeps.

The owner of the moveable dwelling is also responsible for ensuring that faulty smoke alarms are repaired or replaced as soon as reasonably practicable after they become aware that the smoke alarm is not functioning properly.

What is the time for compliance?

The Amending Regulation provides the owner of a moveable dwelling with a six (6) month grace period after 25 February 2011 before being legally obliged to install a smoke alarm in the dwelling.

Enforcement and penalties

The Department of Planning and Fire and Rescue NSW will primarily be relying on public education, awareness and co-operation to highlight the responsibility of moveable dwelling owners to install and maintain the smoke alarms, rather than enforcement and inspections.

The Amending Regulation does not contain any additional powers for councils to investigate whether a moveable dwelling complies with the new requirements. Under the current legislation, council-employed or other authorised persons can enter moveable dwellings to specifically check for smoke alarms:

- after a search warrant has been granted; or
- when permission has been given by the occupier of the moveable dwelling.

This power of entry regime considers the need to balance the privacy of occupants against the right for enforcement officers to seek public safety outcomes.

The Amending Regulation includes provisions for on-the-spot fines of \$200 (or fines of up to \$550 if a legal challenge is upheld in court) to be issued for:

- failing to have functioning smoke alarms installed from 25 August 2011 – that is, following the six (6) month grace period; and
- interfering with the operation of a smoke alarm, or removing an existing smoke alarm unless it is to repair, maintain or replace the alarm. Note: these are recognised as offences from 25 February 2011 as no grace period applies.

Maintenance

The Amending Regulation does not specify how to maintain a smoke alarm as this may vary depending on the manufacture of the alarm. However the Regulation requires smoke alarms to be functioning, and be repaired or replaced by the owner of the moveable dwelling as soon as reasonably practicable after the owner becomes aware that the smoke alarm is not functioning properly.

Smoke alarms should be tested routinely in accordance with manufacturer's instructions, to ensure they are still functioning. The operation of most smoke alarms can be easily checked by depressing a button located on the outside of the alarm.

To remain effective, smoke alarms must be properly maintained. Usually, manufacturers recommend that alarms be cleaned at least twice annually by careful vacuuming to remove dust and other particles that may affect the operation of the unit. It is important to read the manufacturer's installation and operation details prior to cleaning the alarms.

The battery in most battery operated smoke alarms will need replacing each year (lithium battery powered smoke alarms last longer). Smoke alarms should emit a warning sound when the battery needs replacement. AS 3786 requires smoke alarms to have a recommended service life of at least 10 years under normal conditions of use.

Further information

The Amending Regulation was notified on the NSW legislation website on 20 December 2010, and on the Department of Planning's website.

A copy of the Amending Regulation, the *Building Legislation Amendment (Smoke Alarms) Act 2005*, the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulation 2000* is available online from the NSW legislation website at www.legislation.nsw.gov.au. Copies of Australian Standards are available through Standards Australia at www.standards.org.au.

Information on the new requirements for smoke alarms and how to comply is also available from the NSW Department of Planning at www.planning.nsw.gov.au and Fire and Rescue NSW at www.fire.nsw.gov.au.

Enquiries: Fire and Rescue NSW is operating a special enquiries line for the first month of the new provision's operation. Tel: 1800 151 614 (8am-4pm Monday to Friday).

Note: Department of Planning circulars are published on the web at www.planning.nsw.gov.au/circulars/building.

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Important note

This circular does not constitute legal advice. The information is provided as a basic summary only. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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