



Building Commission

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Local Government approval of battery powered smoke alarms

Part 10A of the *Building Regulations 1989* (smoke alarms in certain buildings) came into operation on 1 October 2009 requiring hard-wired smoke alarms to be fitted in accordance with BCA requirements to homes that are subject to sale, lease or hire (refer Advisory Note 2009/003).

Regulation 38O allows local governments to approve the use of a 10 year life battery powered smoke alarm if satisfied that the installation of a hard-wired smoke alarm would involve a sufficient problem of a structural nature or other problems not within the control of the owner of the dwelling.

The fee, as set by local government, for approval under Regulation 38O must not exceed \$170 and is exempt from GST.

The following examples may apply under Regulation 38O:

- where the installation of hard-wired smoke alarms is structurally problematic, such as drilling and chasing through concrete, which may weaken the structure or cause significant added expense;
- where the installation of hard-wired smoke alarms would cause economic hardship well beyond the costs that would be reasonable for installing hard-wired smoke alarms;
- where the installation of hard-wired smoke alarms requires the removal and replacement of cladding or the fixing of exposed conduit causes a nuisance or substantially detracts from the visual amenity of the dwelling;
- where the dwelling is listed on the State Register of Heritage Places and the installation of hard-wired smoke alarms would substantially alter its visual amenity.

Regulation 38N(1)(d)(ii) allows for the installation of 10 year life battery powered smoke alarms in a dwelling where there is no hidden space in which to run the electrical wiring and there is no appropriate alternative location. For example, in units with concrete ceilings. Under Regulation 38N(1)(d)(ii) local government approval is not required.

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