



Department of Lands

Land Administration & Management
Property & Spatial Information

www.lands.nsw.gov.au

Circular

Division: Land and Property Information
No: 2006/12
Date: October 2006

Smoke alarms: changed requirements for contract for sale of land

Amendments to the *Conveyancing (Sale of Land) Regulation 2005* contain changed requirements in relation to smoke alarms which will operate from 1 December 2006. From that date a Warning Notice in the prescribed form must be attached to every Contract for the Sale of Land. The Warning Notice is a prescribed document under Schedule 1 of the *Conveyancing (Sale of Land) Regulation 2005*. The wording of the Warning Notice is as follows:

WARNING
SMOKE ALARMS

The owners of certain types of buildings and strata lots must have smoke alarms (or in certain cases heat alarms) installed in the building or lot in accordance with regulations under the Environmental Planning and Assessment Act 1979. It is an offence not to comply. It is also an offence to remove or interfere with a smoke alarm or heat alarm. Penalties apply.

The new requirement is contained in the *Conveyancing (Sale of Land) Amendment (Smoke Alarm Notices) Regulation 2006*, which was gazetted on 27 October 2006.

How does this change affect the existing requirement for a compliance statement in relation to smoke alarms?

LPI Circular 2006/05 'Smoke alarms: obligations when selling property', published in May 2005, advised of amendments to the *Conveyancing (Sale of Land) Regulation 2005* requiring inclusion of a compliance statement in relation to smoke alarms in some contracts for sale of land from 1 November 2006.

The requirement to attach a compliance statement has been repealed and will now **not apply at all**. The offence of attaching a statement which a person knows is incorrect has also been repealed.

LPI Circular 2006/05 'Smoke alarms: obligations when selling property' is consequently superseded by this circular, LPI Circular 2006/12.

Why is this change being made?

Division 7A of Part 9 of the *Environmental Planning and Assessment Regulation 2000* ('the EPA Regulation') obliges owners of certain types of buildings to install smoke alarms (or in some cases heat alarms).

The *Conveyancing (Sale of Land) Regulation 2005* is being amended to eliminate the possibility of uncertainty about whether or not a compliance statement should be attached to a contract for sale of land.

What must I do from 1 November 2006?

Nothing. The requirement to attach the compliance statement as from 1 November has been repealed. It will not be necessary to attach anything to a contract regarding smoke alarms until 1 December 2006 when the new requirement to attach a Warning Notice begins.

What must I do from 1 December 2006?

As from 1 December 2006 **all contracts** must have the prescribed Warning Notice attached regardless of whether the land contains a building requiring alarms to be installed.

Will the new warning notice eventually be incorporated into the printed contract?

Yes. When the standard form Contract for the Sale of Land is next revised the Warning Notice will be incorporated into the printed contract in the same way as other prescribed warnings.

Where can I get more information?

If you have any questions regarding the new required Warning Notice, contact Lands Legal Services on T 02 9228 6726 or F 02 9221 4309.

To see a copy of the *Conveyancing (Sale of Land) Regulation 2005* go to www.legislation.nsw.gov.au.

For information about smoke alarms, including which buildings need smoke alarms, types of smoke alarms and where they should be located see www.planning.nsw.gov.au.

Des Mooney
Deputy Director General and
General Manager, LPI