

Fire safety requirements - older buildings

Councils have the right to require property owners to carry out fire safety upgrade works or maintenance works for older buildings under [Order No. 6 s 121B, Environmental Planning and Assessment Act 1979](#), where circumstances prescribed in that section exist.

If fire safety regulations have changed since the building was constructed, the local council may order the owners corporation to upgrade the building to meet current regulations. This may involve considerable expense. In the past, orders requiring expensive upgrade works such as constructing fire escapes, replacing external unit doors and installing fire retardant materials, have been made.

Status of an annual fire safety statement

It is important to bear in mind that even if an annual fire safety statement has issued in relation to a building whether recently constructed or not, councils are not prevented from issuing upgrade orders.

Smoke alarms

From 1 May 2006, it became compulsory for all units in all strata schemes to have working smoke alarms.

[203] Disabled access to premises

Under [s 49M of the Anti Discrimination Act 1977](#), there is a prohibition against discrimination relating to access to services.

A leading decision with widespread consequences for schemes in NSW and potentially nationally was handed down in April 2010 in [Hulena v Owners Corporation SP13672 \(2010\) NSWADTAP 27](#). In that decision, the appeals panel of the Administrative Decisions Tribunal found that access services to premises fall under this section of the *Anti Discrimination Act 1977*, and accordingly owners corporations are required to maintain and repair access to buildings so that they comply.

Purchasers should also be aware that recent national standards have been imposed in relation to disability access to new and existing buildings.

On 1 May 2011, the *Commonwealth Disability (Access to Premises – Building) Standards* commenced. Those standards amended the Building Code of Australia to impose national disabled access standards for new and existing buildings relating to such matters as access to upper floors and lifts. It also prescribed standards relating to signage, removing a step at a building entrance, upgrading handrails on a ramp and minimum width requirements of doorways or passageways, including passing and turning spaces.

Risk

If there are disabled access problems in a building, expensive upgrade orders may be made.

Unless an access issue is already in dispute, it is generally impossible for strata inspectors to identify problems of this kind from the records of the scheme they inspect.

Purchasers should ensure that any building inspection conducted for them identifies problems of this kind.