

TERMS OF REFERENCE COUNCIL



Name	Building Fire Safety Committee
Document Number	CL.TOR.03
Responsible Section	Development Services - Building
Responsible Department	Community Development
Date Last Adopted	10 October 2023
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Applicable Legislation	Planning, Development and Infrastructure Act 2016 Planning, Development and Infrastructure (General) Regulations 2017
Related Governance Documents	Nil
City Plan Theme	A City that supports community wellbeing A City confident in its leaders

1. ESTABLISHMENT

- 1.1 Pursuant to Section 157 of the Planning, Development and Infrastructure Act 2016, the Council establishes a body to be known as the City of Port Adelaide Building Fire Safety Committee (“the Building Fire Safety Committee”, for the purpose of acting as the “appropriate authority” (as the term is defined in the Planning, Development and Infrastructure Act 2016) in respect of all fire safety matters.

2. MEMBERSHIP, TERMS OF OFFICE AND PRESIDING MEMBER

- 2.1 Membership of the Building Fire Safety Committee shall consist of:
- 2.2 a person appointed by the Council and who holds prescribed qualifications in building surveying;
- 2.3 an authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act* 2005 who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority;
- 2.3.1 a person appointed by the Council as a person with expertise in the area of fire safety.

- 2.4 Persons shall be appointed as deputy members to the positions as follows:
- 2.4.1 a person appointed by the Council and who holds prescribed qualifications in building surveying;
 - 2.4.2 an authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act 2005* who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority;
 - 2.4.3 a person appointed by the Council as a person with expertise in the area of fire safety.
- 2.5 The person who holds prescribed qualifications in building surveying will be appointed as the Presiding Member.
- 2.6 All members of the Building Fire Safety Committee are appointed for a term not exceeding 3 years.
- 2.7 The office of a member of the Building Fire Safety Committee will become vacant if the member:
- 2.7.1 dies; or
 - 2.7.2 completes a term of office and is not reappointed; or
 - 2.7.3 resigns by written notice addressed to the Council; or
 - 2.7.4 is removed from office by Council for any reasonable excuse

3. ROLES AND RESPONSIBILITIES

- 3.1 The Building Fire Safety Committee is charged with the responsibility for all building fire safety matters arising under Section 157 of the Planning, Development and Infrastructure Act 2016.
- 3.2 The Building Fire Safety Committee shall at all times act in strict accordance with the Planning, Development and Infrastructure Act 2016.
- 3.3 The role of the Building Fire Safety Committee include the following:
- 3.3.1 investigating whether building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers;
 - 3.3.2 scrutinising the fire safety of buildings that have been identified as having fire safety provisions that are not adequate;
 - 3.3.3 issuing of a notice to the building owner (where a Building Fire Safety Committee determines that the fire safety of a building is not adequate) identifying inadequacies that need to be addressed or rectified to an extent that will provide an adequate level of safety for the occupants;
 - 3.3.4 where appropriate, negotiating a cost effective solution with a building owner that will reduce fire safety risks to an acceptable level and meeting the required fire safety performance;
 - 3.3.5 issuing notices that schedule rectification work that must be carried out in order to raise the building fire safety to an adequate level of safety or in high-risk situations issuing notices that prohibit the occupation or use of a building until a fire hazard no longer exists;
 - 3.3.6 initiating enforcement or other action to ensure a building owner complies with a section 157 notice;
 - 3.3.7 revoking or varying fire safety notices when appropriate.



4. OPERATIONAL MATTERS

- 4.1 An inspection must be carried out at the request of the fire authority, but may also be carried out when:
 - 4.1.1 a complaint is received;
 - 4.1.2 on an audit basis; or
 - 4.1.3 on a targeted high-risk basis. For example, buildings that provide overnight accommodation for unrelated persons or where large crowds congregate (e.g. shops and assembly buildings).
- 4.2 Audit and targeted high-risk inspections will be prioritized when resources are available.
- 4.3 The Building Fire Safety Committee shall consider a report from an authorised officer of the Council that holds prescribed qualifications in building surveying in accordance with Planning, Development and Infrastructure (General) Regulations 113, or a member of the South Australian Metropolitan Fire Service as a result of an inspection, to determine whether the fire safety of a building is adequate;
- 4.4 An authorised officer who holds prescribed qualifications must conduct an inspection of a building to determine whether the fire safety of a building is adequate at the request of the Building Fire Safety Committee or a member of the South Australian Metropolitan Fire Service;
- 4.5 Where the fire safety of the building is not considered adequate, the Building Fire Safety Committee may serve a notice on the owner of the building under Section 157(3) of the Planning, Development and Infrastructure Act 2016. Prior to serving a notice, the committee or member shall inspect a building to determine whether the fire safety of a building is adequate.

5. MEETING PROCEDURE

- 5.1 The meeting procedures shall be in accordance with the following:
 - 5.1.1 All meetings of the Building Fire Safety Committee will be conducted in accordance with the Planning, Development and Infrastructure Act 2016 and these Terms of Reference;
 - 5.1.2 The Building Fire Safety Committee shall meet generally not less than every 2 months, or as determined by the Committee, or alternatively may hold a special meeting at any other time, on a day and a time nominated by the Presiding Member;
 - 5.1.3 A quorum for a meeting of the Building Fire Safety Committee shall be **two (2)** persons and one of those members shall be the an authorised officer under Part 3 Division5 or section 86 of the *Fire and Emergency Services Act 2005* who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority.
 - 5.1.4 If the Presiding Member of the Building Fire Safety Committee is absent from a meeting of the Committee, a member of the Committee shall be chosen from those present to preside at the meeting;
 - 5.1.5 If the member of the Building Fire Safety Committee appointed as the person with expertise in the area of fire safety is absent from a meeting of the Committee, a person with appropriate knowledge, experience and qualifications in the principles of fire safety shall be chosen from the officer nominated as deputy members;



- 5.1.6 All decisions of the Building Fire Safety Committee shall be made on the basis of a majority decision of the members present;
- 5.1.7 In the event of an equality of votes the Presiding Member shall have a casting vote in addition to a deliberative vote;
- 5.1.8 The Building Fire Safety Committee shall meet at the Council Office located at 163 St Vincent Street Port Adelaide or at such other places as the Building Fire Safety Committee may, from time to time determine.
- 5.1.9 The Presiding Member of the Building Fire Safety Committee must keep, or arrange to be kept, minute of every meeting of the Building Fire Safety Committee. The minutes of the proceedings and meeting of the Building Fire Safety Committee must include:
 - 5.1.9.1 the names of the members present;
 - 5.1.9.2 in relation to each member present, the time at which the person entered or left the meeting;
 - 5.1.9.3 all motions and amendments, and the names of the mover and seconder;
 - 5.1.9.4 whether a motion or amendment is carried or lost;
 - 5.1.9.5 any disclosure of interest made by a member; and
 - 5.1.9.6 any other matter required to be included in the minutes by direction of the Council.
- 5.1.10 The procedure is to be observed at a meeting of the Building Fire Safety Committee insofar as the procedure is not prescribed by these terms of reference may be determined by the Committee.
- 5.1.11 A member of the Building Fire Safety Committee incurs no liability for any matter or thing done or omitted to be done by the Building Fire Safety Committee in connection with the operation of this section subjects the authority to any liability.

6. CONDUCT AND DISCLOSURE OF INTERESTS

- 6.1 A member of the Building Fire Safety Committee who has a direct or indirect personal or pecuniary interest in accordance with Section 157(18) in any matter before the Building Fire Safety Committee (other than an indirect interest which exists in common with a substantial class of persons) must not take part in any deliberations or decisions of the Building Fire Safety Committee in relation to that matter.
- 6.2 A member of an appropriate authority who has a personal interest or a direct or indirect pecuniary interest in any matter before the appropriate authority must not take part in any deliberations or decision of the authority in relation to that matter. The member must remove themselves from the room where the Committee is considering the matter and cannot return until consideration of that item has concluded.

7. DELEGATIONS

- 7.1 Section 157(16) of the Planning, Development and Infrastructure (General) Regulation outlines the establishment of the Building Fire Safety Committee as an appropriate authority by Council and appoints persons to the Committee. There is no sub delegation of Council powers prescribed in relation to the establishment and appointment to the Building Fire Safety Committee.



8. REIMBURSEMENT OF EXPENSES

- 8.1 There are no expenses identified that would require reimbursement directly to the Building Fire Safety Committee members.

9. NOTICE OF MEETINGS

- 9.1 The following provisions apply to the calling of meetings:
- 9.1.1 In the case of an ordinary meeting of the Building Fire Safety Committee the Council must give each member of the Building Fire Safety Committee notice of a meeting at least three (3) clear days before the date of the meeting;
 - 9.2 In the case of a special meeting of the Building Fire Safety Committee, the Council must give each member of the Building Fire Safety Committee notice of the meeting at least twelve (12) hours before the commencement of the meeting;
 - 9.3 notice may be given to a member of the Building Fire Safety Committee:
 - 9.3.1 personally;
 - 9.3.2 by means authorised in writing by the member as being an available means of giving notice (eg. letter or e-mail transmission).

