

Building Fire Safety Committee

Terms of Reference

1. ESTABLISHMENT AND STATUS OF THE BUILDING FIRE SAFETY COMMITTEE

- 1.1 Pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016* (PDI Act), the Council establishes a body to be known as the City of Port Lincoln Building Fire Safety Committee (BFSC).
- 1.2 The Building Fire Safety Committee is established for the purpose of acting as the “appropriate authority” (as that term is defined in the PDI Act) in respect of all fire safety matters arising under the PDI Act (including those commenced under section 71 of the *Development Act 1993* and which are treated as having been commenced under the PDI Act by virtue of section 15 of the *Acts Interpretation Act, 1915*) for the period 16 November 2020 to 16 November 2023.
- 1.3 The first meeting of the Building Fire Safety Committee shall not be held until on or after the date on which the *Development Act* is revoked in the Council’s area (and until such time, members of the committee will continue to meet as a building fire safety committee constituted under section 71 of the *Development Act, 1993*).

2. PURPOSE

The purpose of the Committee is to ensure the safety of building occupants by performing inspections to ensure building owners are maintaining appropriate fire safety standards within their buildings.

3. SPECIFIC FUNCTIONS

- 3.1 All matters of building fire safety will be investigated with priority being placed on areas of higher risk, such as places where a large number of people reside and places where a large number of people congregate or meet on a regular basis.
- 3.2 The Committee will inspect buildings following the criteria set out below:
 - If the South Australian Metropolitan Fire Service requests an inspection to be carried out;
 - If a complaint is received;
 - Advice is received from a Development Officer of Council that the fire safety is deficient;
 - The class of building fits the priorities of the Committee, including:
 - Hotels/Motels and other transient accommodation buildings
 - Supportive Residential Facilities and other accommodation for vulnerable persons
 - Residential Flat Buildings and other long term accommodation buildings
 - Large Shopping Complexes
 - Class 9b Buildings and buildings with a liquor licence
 - Class 5, 6, 7 and 8 Buildings

4. MEMBERSHIP

- 4.1 Membership of the Building Fire Safety Committee (BFSC) shall consist of:

- Mr Theo Theodosiou (Senior Building Officer), being a person appointed by the Council and who holds prescribed qualifications in building surveying; and
- Mr Andrew Sharrad, being an authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act 2005*, and has been approved by the Chief Officer of the South Australian Metropolitan Fire Service; and
- Mr Peter Harmer, being a person appointed by the Council as a person with expertise in the area of fire safety.

4.2 The following person is appointed as deputy member for Mr Andrew Sharrad:

- Mr Scott Druce

4.3 The Council appoints Mr Peter Harmer as the Presiding Member of the BFSC for a 3 year term.

4.4 All members of the BFSC are appointed for a 3 year term.

4.5 The office of a member of the BFSC will become vacant if the member:

- 4.5.1 dies; or
- 4.5.2 completes a term of office and is not reappointed; or
- 4.5.3 resigns by written notice addressed to the Council; or
- 4.5.4 removed from office by the Council for any reasonable cause.

5. **TERMS OF REFERENCE**

The terms of reference for the BFSC are as follows:

- 5.1 The BFSC is charged with the responsibility for all matters arising under Section 157(17) of the Planning, Development and Infrastructure Act 2016, which are of a building fire safety nature;
- 5.2 A quorum for a meeting of the BFSC shall be two (2) persons, one of whom shall be the person nominated by the Chief Officer of the Metropolitan Fire Service;
- 5.3 All decisions of the BFSC shall be made on the basis of a majority decision of the members present;
- 5.4 The BFSC shall meet at the Council's office at Level 1, 60 Tasman Terrace, Port Lincoln SA 5606 or at such other places as the BFSC may, from time to time, determine;
- 5.5 The BFSC shall meet on a day and at a time nominated by the Presiding Member, with a minimum of two (2) ordinary meetings in each calendar year, and may hold a special meeting at any other time at the direction of the Presiding Member.
- 5.6 A member of the BFSC who has a personal interest or a direct or indirect pecuniary interest in any matter before the BFSC (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 BFSC in relation to that matter;
- 5.7 The following provisions apply to the calling of meetings:
 - 5.7.1 In the case of an ordinary meeting of the BFSC, the Presiding Member must give each member of the BFSC notice of a meeting at least three (3) clear days before the date of the meeting.

- 5.7.2 In the case of a special meeting of the BFSC, the Presiding Member must give each member of the BFSC notice of the meeting at least four (4) hours before the commencement of the meeting.
- 5.7.3 Notice may be given to a member of the BFSC:
- 5.7.3.1 personally;
 - 5.7.3.2 by posting to the person at their usual or last known place of business; or
 - 5.7.3.3 by an email known to be used by the person.
- 5.8 The Senior Building Officer, in consultation with the Presiding Member of the BFSC, shall arrange the meeting agenda;
- 5.9 Each member of the BFSC present at a meeting must, subject to that person having an interest in the matter, vote on a question arising for decision at that meeting;
- 5.10 The Senior Building Officer, in consultation with the Presiding Member of the BFSC must keep, or arrange to be kept, minutes of every meeting of the BFSC. The minutes of the proceedings and meetings must include:
- the names of the members present;
 - in relation to each member present, the time at which the person entered or left the meeting;
 - all motions and amendments, and the names of the mover and seconder;
 - whether a motion or amendment is carried or lost;
 - any disclosure of interest made by a member; and
 - any other matter required to be included in the minutes by direction of the Council.
- 5.11 All matters for the BFSC will be recorded and stored in Council's Records Management system;
- 5.12 A copy of the minutes shall be forwarded to Council's Chief Executive Officer for information;
- 5.13 Due to the sensitive nature of matters included, a copy of the agenda and minutes of meetings will not be published on Council's website or in any Council agenda;
- 5.14 When BFSC matters are requested to be reported to Council, reports will be prepared and provided in confidence;
- 5.15 The procedure to be observed at a meeting of the BFSC insofar as the procedure is not prescribed by these terms of reference, may be determined by the Committee.

INSPECTION PROCEDURE

1. Members appointed to the Building Fire Safety Committee are authorised under Section 157 of the Planning, Development and Infrastructure Act 2016, to exercise powers under the Section. These members have powers under this section to enter and inspect any building, at any reasonable time for the purpose of determining whether the fire safety of the building is adequate.
2. The Committee will generally arrange an appropriate time with the building owner to inspect the premises, with the owner or delegate. In cases where a matter requires an urgent inspection or pre-

arranged inspections are not appropriate, the Committee or its delegate will visit the site and undertake the required inspection.

3. Follow up inspections may be required to be undertaken by the Committee and, except in extreme circumstances, the Committee will arrange these inspections with the building owner or delegate.
4. Members of the Committee will record inspections undertaken at the time of inspection.
5. After an inspection is undertaken by the Committee, the Committee will meet to determine if the building has an appropriate level of fire safety. If the Committee determines the level of safety is appropriate the Committee will advise the building owner and thank them for their assistance.
6. If the Committee determines the level of fire safety is not appropriate the Committee is required to issue a notice which offers the building owner a number of options to be implemented. If there are no significant issues arising from the inspection then the Committee may send a letter to the building owner. A notice issued under the relevant legislation will not provide a building owner with options but will rather direct them on the specific cause of action required to be undertaken.
7. Follow up inspections and correspondence may be required to finalise outstanding matters.
8. All correspondence and documentation to be appropriately saved in the Council's Records Management System.

PROCEDURE FOR THE EFFECTIVE OPERATION OF THE BUILDING FIRE SAFETY COMMITTEE

The following procedure is to be adopted to ensure that all Officers are fully aware of their responsibilities when dealing with matters involving the Building Fire Safety Committee (BFSC):

1. Where a complaint is received regarding a matter which should be considered by the BFSC:
 - 1.1. If the complaint is sufficiently detailed indicating that the problem complained of is complex or that the building is greater than 300m² or deemed necessary to be inspected, then the matter is forwarded directly to the BFSC.
 - 1.2. If the complaint is not detailed and is not clear regarding the full context of the problem, the complaint will:
 - 1.2.1. Be allocated to an Authorised Officer for an inspection to take place;
 - 1.2.2. The Authorised Officer will inspect the site and if he/she determines that the building is greater than 300m² or deemed necessary to be further inspected, then it will be referred to the BFSC. If the building is within the limitations of the Act for the Authorised Officer and it appears that the defects are not major the Officer will undertake an inspection and submit a report to the BFSC to consider.
2. Following consideration of the Authorised Officer's report the BFSC may resolve to issue a notice to be served.
3. All items to be considered by the BFSC should be submitted at least three (3) days prior to the Committee's scheduled meetings, unless deemed to be urgent by the Presiding Member of the BFSC.
4. Minutes of all BFSC meetings shall be kept as a record of all resolutions of the Committee.

5. The minutes of the BFSC shall be confirmed at the next meeting of the Committee.
6. A copy of the complaint, any reports prepared for the BFSC by an Authorised Officer and the Minute relating to the matter shall be registered to File 3.14.1.3 and the relevant property assessment.
7. The minutes of each meeting shall be registered to the Council BFSC file.