

	Terms of Reference	Version:	4
	Building Fire Safety Committee	Date Adopted:	10 Mar 2026
		Next Review Due:	Mar 2030

1. NAME

The name of the Committee is the Wattle Range Council Building Fire Safety Committee (hereinafter called '**the Committee**').

2. ESTABLISHMENT & PURPOSE

- The Committee is established under section 157 of the *Planning, Development and Infrastructure Act 2016* ('**the PDI Act**') and designated as the 'appropriate authority' for Council's area, as resolved by Council at its Ordinary Meeting dated 10 November 2020 (Folio 9060; Item 15.3.4).
- The Committee is a stand-alone committee to serve the Wattle Range Council area.
- In exercising its powers under section 157 of the PDI Act, the Committee should seek to achieve the following (in order of priority):
 - firstly, a reasonable standard of fire safety for the occupiers of the relevant building;
 - secondly, the minimal spread of fire and smoke;
 - thirdly, an acceptable fire fighting environment.

3. FUNCTIONS

The Committee is assigned the responsibilities to:

- Develop and maintain appropriate building fire safety inspection policies for existing buildings based on the likely safety risks that could arise depending on the building use and occupant characteristics;
- Scrutinise and inspect the fire safety of buildings that have been identified as, or are suspected of, having inadequate fire safety provisions;
- Issue notices to building owners in accordance with section 157 of the PDI Act;
- Forward information on notices issued to Council administration for the purposes of section 7 enquiries under the *Land and Business (Sale and Conveyancing) Act 1994* (which are made by a vendor when a building is available for sale or lease);
- Assess and review performance solutions with a building owner to reduce fire safety risks to an acceptable level;
- Initiate enforcement or other action to ensure a building owner complies with a section 157 notice issued; and
- Revoke or vary notices when appropriate.

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4. MEMBERSHIP

1. The Committee must comprise the following members:
 - (a) a person who holds prescribed qualifications¹ in building surveying appointed by the Council; and
 - (b) an authorised officer under section 86 of the *Fire and Emergency Services Act 2005* who has been approved by the Chief Officer of the South Australian Country Fire Service (SACFS) to participate as a member of the Committee; and
 - (c) a person with expertise in the area of fire safety appointed by the Council; and
 - (d) if so determined by the Council, a person selected by the Council.
2. At least one of the members of the Committee may be a Council member or, if the Council so determines, a Council employee.
3. Subject to a resolution of the Council to the contrary, the term of office for a member of the Committee is two years.
 - (a) A member of the Committee who is an elected member of the Council cannot be appointed for a term exceeding their term as a member of the Council.
 - (b) Members are eligible to be re-appointed at the conclusion of their term, if deemed appropriate.
4. Deputy members (proxies) may be appointed to the Committee.
 - (a) The Council may, at its discretion, appoint a deputy member to deputise for each of the members appointed by Council.
 - (b) The Chief Officer of the SACFS may, at their discretion, appoint a deputy member to deputise for the member approved by the Chief Officer of the SACFS.
 - (c) A person must not be appointed as a deputy for a member appointed by the Council unless that person holds the requisite qualifications or has the relevant experience required to be a member of the Committee.
 - (d) The term of office of a deputy member will coincide with the term of office for the relevant Committee member.
5. The office of a member or deputy member of the Committee (other than a member under 4.1.(b)) will become vacant if the member:
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice addressed to the Council; or
 - (d) is removed from office by the Council for any reasonable cause.

¹ Prescribed qualifications as per regulation 113 of the *Planning, Development & Infrastructure (General) Regulations 2017*, as amended from time to time.

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5. CHAIRPERSON

1. A Chairperson shall be appointed by the Council.
2. The Chairperson will preside at all meetings of the Committee and, in their absence, a member chosen by the members present at the meeting shall preside.

6. ADMINISTRATION

The Council shall provide the following support to the Committee:

- (a) administrative support at meetings of the Committee;
- (b) an administrative base and record storage;
- (c) administrative support for the preparation of agendas and minutes of meetings, minutes of inspections, reports, notices and other associated administrative tasks, as may be required from time to time.

7. MEETINGS

1. Ordinary meetings shall be held at such time and place as deemed necessary by the Committee to ensure the provisions of section 157 of the PDI Act are met, provided that at least two (2) meetings per annum are held.
2. The Chairperson may call a special meeting, either of the Chairperson's own initiative, or upon the request of at least two members of the Committee.
3. Generally, at meetings the Committee will:
 - (a) discuss or review policy;
 - (b) review existing procedures and practices;
 - (c) discuss or review reports, inspections and document minutes of such reviews and discussions;
 - (d) discuss the issuing, or proposed issuing, of a notice under section 157 of the PDI Act.
4. The Committee may conduct ordinary or special meetings by telephone conference or other electronic means.
 - (a) A meeting conducted for the purposes of this clause may involve the participation of one, some, or all of the members by telephone or other electronic means, provided that each participating member is capable of communicating with every other participating member during the meeting.
 - (b) A meeting conducted in accordance with this clause is deemed to be held at the place determined by the Committee, provided that at least one member is present at that place for the duration of the meeting.
5. Meetings of the Committee are to be conducted in private. However, the Committee may permit a person to attend at a meeting of the Committee as an observer or to provide a report or briefing to the Committee.

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8. MOTIONS

- A member may bring forward any business at the meeting in the form of a motion with or without notice.
 - A motion will lapse if it is not seconded at the appropriate time.
 - A member may only speak once to a motion except with leave of the meeting or as the mover in reply.
- A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
 - An amendment will lapse if it is not seconded at the appropriate time.
 - If an amendment is carried or lost, only one further amendment may be moved to the original motion.
- The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

9. VOTING

- Questions arising for decision at all meetings of the Committee will be decided by votes of the majority of the members present, on the basis of one vote per member.
- The Chairperson will be entitled to a deliberative vote, but will not be entitled to a casting vote.
- Each member present at a meeting of the Committee must vote on a question arising for decision at that meeting. Failure by any member to vote on any question arising will deem that member to have voted in the negative.
- In the event of an equality of votes, the question will be resolved in the negative.

10. QUORUMS

- No business will be transacted at Committee meetings unless a quorum is present.
- The quorum for a meeting of the Committee shall be the number of Committee members who from time to time constitute the Committee, divided by two (2), ignoring any fraction resulting from the division, and adding one.

11. ADJOURNMENTS

The Committee may adjourn any meeting from time to time and from place to place.

12. MINUTES

- The Committee shall cause proper minutes to be kept of proceedings at its meetings.
- The minutes of the proceedings at a meeting must be submitted for confirmation at the next ordinary meeting of the Committee.
- On the confirmation of the minutes, the Chairperson will:
 - initial each page of the minutes (but not including the attachments), which pages are to be consecutively numbered; and

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- (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
4. The minutes of the proceedings of a meeting must include:
- (a) the names of the members present at the meeting;
 - (b) in relation to each member present:
 - (i) the time at which the person entered or left the meeting;
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (iii) if the member is participating by telephone or other electronic means, that fact;
 - (c) each motion or amendment, and the names of the mover and seconder;
 - (d) any variation, alteration or withdrawal of a motion or amendment;
 - (e) whether a motion or amendment is carried or lost;
 - (f) any disclosure of interest made by a member;
 - (g) details of any adjournment of business; and
 - (h) any other matter required to be included in the minutes in accordance with the PDI Act or these Terms of Reference.
5. If in attendance, Council's administrative support provided for in clause 6 will be responsible for the minutes and agenda for the meeting, otherwise the Chairperson will delegate the responsibility to a member of the Committee.

13. DISCLOSURE OF INTEREST

1. A member of the Committee who has a personal interest or a direct or indirect pecuniary interest in any matter before the Committee (other than an indirect interest that exists in common with a substantial class of persons) must not take part in any deliberations or decision of the authority in relation to that matter.
2. A member of the Committee must disclose his or her interest to the Committee as soon as he or she becomes aware of that interest and it should be recorded in the minutes.

14. ANNUAL REPORT

1. At least once per annum, the Committee shall prepare a report to Council including:
 - (a) the number of inspections;
 - (b) the classification of buildings inspected; and
 - (c) the type and number of notices issued.
2. Council's Director Development Services or Development and Regulatory Services Manager shall ensure this report is tabled at an ordinary meeting of the Council as soon as practicable after the Committee has prepared the report.

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15. INSPECTIONS

1. All members appointed to the Committee are authorised under section 157 of the PDI Act to undertake inspections for Committee purposes.
2. Other authorised Council officers who hold the prescribed qualifications may inspect premises to determine the level of fire safety, but must report to the Committee for determination of the relevant action required.
3. Adequate records of inspections undertaken shall be kept in accordance with Council's Records Management Policy.

16. NOTICES

1. Notices will be issued by the Committee as the appropriate authority pursuant to section 157 of the PDI Act.
2. The Committee may cause a notice (pursuant to sections 157(3) and 157(4)) of the PDI Act to be served upon a building owner that:
 - (a) requires the owner to report to the Committee (in writing) within two months or such longer period as the Committee may allow (pursuant to section 157(5) of the PDI Act) on the work or other measures necessary to ensure that the fire safety of the building is adequate and the expected timeframes to complete the works; or
 - (b) in the case of an emergency:
 - (i) requires the owner carry out a program of work, or to take any other measure, to overcome the fire hazard; or
 - (ii) requires the evacuation of the building; or
 - (iii) prohibits the occupation or use of the building or a part of the building until the Committee is satisfied that the fire hazard no longer exists; or
 - (iv) requires the building owner take such other action as required by the Planning, Development & Infrastructure (General) Regulations 2017 ('the Regulations').
3. Where a notice in accordance with paragraph (b) is issued, the Committee shall consider representations made by the owner or the owner's representative about the fire safety of the building and the work or other measures to be carried out (pursuant to section 157(6) of the Act).
4. Where a report is received from the owner in response to the Committee notice (issued pursuant to sections 157(3) and 157(4)), the Committee shall consider that report and any fire safety upgrade completion timeframes and make a determination as to whether to cause a notice pursuant to sections 157(3) and 157(7) to be served upon the owner.
5. Where no report is received from the owner in response to the notice (issued by the Committee pursuant to the sections 157(3) and 157(4)), the Committee shall make a determination as to whether to cause a notice pursuant to sections 157(3) and 157(7) to be served upon the owner.

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6. Where a notice pursuant to sections 157(3) and 157(7) is served upon the owner that notice shall:
 - (a) require the owner to seek an appropriate development authorisation under the PDI Act and, if granted, to carry out a programme of work or to take other measures to ensure that the fire safety of the building is adequate; or
 - (b) prohibit the occupation or use of the building or a part of the building until the Committee is satisfied that the fire hazard no longer exists; or
 - (c) require the owner take such other action as prescribed by the Regulations.
7. Pursuant to section 157(9) of the PDI Act, the Committee may, at the request of the building owner, vary this notice or may, on its own initiative, revoke this notice if satisfied that it is appropriate to do so.
8. Where the Committee resolves to issue a notice pursuant to section 157 of the Act, the Committee shall ensure that:
 - (a) the notice is prepared and issued in accordance with the prescribed format (if any);
 - (b) the notice is signed by the Chairperson, or such other person as the Committee so resolves; and
 - (c) documents relating to the notice (including, but not limited to associated reports, inspection records, etc) are maintained in accordance with Council's Records Management Policy.

17. COST RECOVERY

1. All monies recovered by the Committee as fines and interest, or costs and expenses in relation to actions undertaken by the Committee under the PDI Act shall be remitted to Council.

18. CONSULTANTS AND OTHER PROFESSIONAL ADVICE

1. Council shall be responsible for the engagement of and, any payment to, Fire Safety Engineers, Consultants or other similar persons who may be required to provide professional advice, or appear on behalf of the Committee in any Court action in relation to any building fire safety matter within the Council's area. Such action shall be approved by the Director Development Services.
2. Where relevant, the powers of the Committee shall not extend beyond those delegated to it by Council under section 157 of the PDI Act.

19. PROCEDURES

1. The procedures to be observed at meetings of the Committee will be:
 - (a) as prescribed by the PDI Act;
 - (b) as prescribed by these Terms of Reference;

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- (c) insofar as the procedure is not prescribed by the PDI Act or these Terms of Reference, as determined by the Committee.

20. AVAILABILITY

These terms of reference are publicly available for viewing or download on Council's website: www.wattlerange.sa.gov.au.

A printed copy of these terms of reference is viewable at Council offices and may be purchased upon payment of the relevant fee in Council's Fees and Charges Schedule.

21. REFERENCES & FURTHER READING

References	
Relevant Legislation:	• <i>Planning, Development and Infrastructure Act 2016</i> • <i>Planning, Development and Infrastructure (General) Regulations 2017</i> • <i>Fire and Emergency Services Act 2005</i>
Relevant Policies / Procedures / Guidelines	

22. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of these Terms of Reference.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	14/03/2017	Council	Constituted under Development Act	Folio 7004 Item 13.3.3
2	10/11/2020	Council	New committee constituted under PDI Act	Folio 9060 Item 15.3.4
3	14/07/2021	CEO	Minor changes removed Part 3 Division 5 due to not being applicable. Minor changes approved by CEO under delegations Section 157 (16) PDI Act to determine appropriate authority's procedures.	
4	10/03/2026	Council	Reviewed and amended by the Committee.	Folio 11469 Item 14.3

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