

CITY OF NORWOOD PAYNEHAM & ST PETERS
BUILDING FIRE SAFETY COMMITTEE
TERMS OF REFERENCE



City of
**Norwood
Payneham
& St Peters**

1. ESTABLISHMENT OF THE CITY OF NORWOOD PAYNEHAM & ST PETERS BUILDING FIRE SAFETY COMMITTEE

Pursuant to Section 157(17) of the *Planning, Development and Infrastructure 2016*, the Council establishes a body to be known as the City of Norwood Payneham & St Peters Building Fire Safety Committee (“Building Fire Safety Committee”) for the purpose of acting as the “appropriate authority” (as the term is defined in the *Planning, Development and Infrastructure 2016*) in respect of all fire safety matters.

2. MEMBERSHIP

- 2.1 Membership of the Building Fire Safety Committee shall consist of –
- (i) Mr Troy Olds, being a person appointed by the Council as a person with expertise in the area of fire safety.
 - (ii) Mr Demetrius Poupoulas, being a person appointed by the Council as a Committee member;
 - (iii) a primary person nominated by the Chief Officer of the South Australian Metropolitan Fire Service;
 - (iv) a person nominated by the Chief Officer of South Australian Metropolitan Fire Service to act as a proxy to the primary person; and
 - (v) Mr Mario Hlavati being a person appointed by the Council and who holds prescribed qualifications in building surveying.
- 2.2 The Council has appointed Mr Troy Olds as the Presiding Member of the Building Fire Safety Committee for a term expiring 19 March 2027.
- 2.3 All members of the Building Fire Safety Committee are appointed for a term expiring 19 March 2027 or until Terms of Reference are varied under the PDI Act 2016 and endorsed by the Council.

- 2.4 The office of a member of the Building Fire Safety Committee will become vacant if the Member –
- (i) dies; or
 - (ii) completes a term of office and is not reappointed; or
 - (iii) resigns by written notice addressed to the Council; or
 - (iv) is removed from office by the Council for any reasonable cause.
- 2.5 The Building Fire Safety Committee as established pursuant to the *Planning, Development and Infrastructure Act 2016*, shall not meet until after the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*

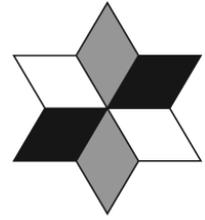
3. TERMS OF REFERENCE

The Terms of Reference for the Building Fire Safety Committee are as follows:

- 3.1 the Building Fire Safety Committee is charged with the responsibility for all matters arising under Section 157 of the *Planning, Development & Infrastructure Act 2016*, which are of a building fire safety nature;
- 3.2 a quorum for a meeting of the Building Fire Safety Committee shall be three (3) and one of those members shall be the person nominated by the Chief Officer of the South Australian Metropolitan Fire Service;
- 3.3 all decisions made by the Building Fire Safety Committee shall be made on the basis of a majority decision of the members present. In an event of a tied vote, the Presiding Member is entitled to and shall exercise a second (and casting) vote to determine the matter;
- 3.4 the Building Fire Safety Committee shall meet at the Council's offices at 175 The Parade, Norwood, or at such other places as determined by the Building Fire Safety Committee from time to time;
- 3.5 the Building Fire Safety Committee shall meet quarterly or alternatively may hold a special meeting at any other time, on a day and at a time nominated by the Presiding Member;
- 3.6 a member of the Building Fire Safety Committee who has a personal interest or a direct or indirect pecuniary interest 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;
- 3.7 the following provisions apply to the call of meetings:
- a) in the case of an ordinary meeting of the Building Fire Safety Committee, the Chief Executive Officer 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;
 - b) in the case of a special meeting on the Building Fire Safety Committee, the Chief Executive Officer must give each member of the Building Fire Safety Committee notice of a meeting at least twelve (12) hours before the commencement of the meeting; and
 - c) notice may be given to a member of the Building Fire Safety Committee by one of the following ways:

- personally;
 - by posting it in an envelope addressed to the person at their usual or last known place of residence or business;
 - by facsimile transmission to a facsimile number known to be used by the person; and
 - by email transmission to an email address known to be used by the person.
- 3.8 each member of the Building Fire Safety Committee present at a meeting must, subject to that person having an interest in the matter, vote on a question arising from a decision at that meeting;
- 3.9 the Chief Executive Officer of the Council in respect to the Building Fire Safety Committee must keep, or arrange to be kept, minutes of every meeting of the Building Fire Safety Committee. The minutes of the proceedings and meetings of the Building Fire Safety Committee must include:
- a) the names of the members present;
 - b) in relation to each member present, if the member was not present for the entire meeting, the time at which the person entered or left the meeting;
 - c) its motion or amendments, and the names of the mover and seconder;
 - d) whether a motion or amendment is carried or lost; and
 - e) any disclosure of interest made by a member; and
 - f) all matters considered by the Committee, including agendas and minutes will be recorded and stored electronically in the Council's Records Management System.
- 3.10 The Building Fire Safety Committee shall provide a report to the Council on an annual basis (by 31 September) outlining the Committee's activities, including the types of notices which have been issued, the outcomes of the respective notices, the number of inspections which have been undertaken and any outstanding matters that the Committee is currently pursuing.
- 3.11 The procedure 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.
- 3.12 The Committee shall follow a Risk Assessment Process (as contained in Appendix A), to assist in the selection and prioritisation of buildings which are to be inspected.
- 3.13 The Committee shall undertake an annual audit of buildings in accordance with the Audit Methodology specified in the Risk Assessment Process (contained in Appendix A) and include buildings identified in the audit within its inspection program.

APPENDIX A



**City of
Norwood
Payneham
& St Peters**

RISK ASSESSMENT PROCESS

CITY OF NORWOOD PAYNEHAM & ST PETERS

BUILDING FIRE SAFETY COMMITTEE

August 2020

PREFACE

The City of Norwood Payneham & St Peters Building Fire Safety Committee operates under the powers delegated by the Council to the Committee pursuant to Section 157 of the *Planning, Development & Infrastructure Act 2016*. Section 157 of the Act outlines the Council's powers to investigate whether building owners are maintaining adequate fire safety provisions in their buildings for the protection of all occupants.

The Council has delegated their responsibility under Section 157 of the Act to the City of Norwood Payneham & St Peters Building Fire Safety Committee.

The purpose of this document is to establish criteria to determine which types of buildings require an inspection in order to ensure that they maintain an adequate level of fire safety provisions to protect occupants and to also set out a framework to assist the Committee to prioritize the requirement for building fire safety investigations within the council, based on a risk assessment.

To undertake its duties as a Committee established under the *Planning, Development & Infrastructure Act 2016*, the Committee must:

- a) consider any building fire safety matters which are brought to its attention;
- b) inspect any building that the Committee has reason to believe may not contain adequate building fire safety provisions;
- c) consider the appropriateness of any submitted fire safety completion timeframes and agree to the timeframes when, in its opinion, adequate fire safety is proposed to be achieved in a timely manner;
- d) initiate and undertake enforcement or other action to ensure a building owner complies with any notices issued under Section 157 of the Act; and
- e) keep appropriate Committee records including minutes and agendas of Committee meetings.

Note: *An adequate level of fire safety does not necessarily mean total compliance with the current Building Code of Australia or associated Australian Standards.*

The Building Fire Safety Committee has adopted a risk based inspection regime that sets out the basis for undertaking inspections. Inspections may be carried out as a result of the following:

- a) upon request of the South Australian Metropolitan Fire Service (SAMFS);
- b) on an audit basis pursuant to the Committee's risk assessment;
- c) if a complaint is received; or
- d) if advice is received from an authorised officer of the City of Norwood Payneham & St Peters that a fire safety of a building is or may be deficient.

In determining its inspection and investigation priorities, the Building Fire Safety Committee will have regard to the types of buildings and/or occupancies within its area of jurisdiction to identify those that may constitute a high fire safety risk and need to be systematically inspected. For instance, aged care, health care and accommodation buildings, that provide overnight accommodation for unrelated persons, or buildings where large crowds congregate during operating hours, such as shops or assembly buildings may be identified as a high risk priority.

The risk of fire in any building needs to be considered in the context of the Committee's Terms of Reference in that the objective of the committee is not to make the buildings safe from fire but to ensure adequate protection of all the occupants is provided when a fire occurs. This goal is typically achieved by a combination of ensuring that the following items being correctly maintained, or if required - upgraded, replaced or installed. The most commonly occurring essential safety provisions are listed below;

- fire resistance of building materials, to ensure that the building resists the spread of fire, both externally and internally to ensure that a complete evacuation of the building can safely be carried out;
- alarm systems, sprinkler systems to ensure that occupants receive adequate warning to evacuate the building;
- egress requirements, to ensure that occupants have an unobstructed and clear exit from the building;
- exit and emergency lighting, to provide clear directions to exit the building safely; and
- fire hydrants, hose reels extinguishers, to allow the occupants if appropriate and the fire service to fight fires.

The occupants of the buildings are the people deemed to be at risk. Their resilience to risk also contributes to the level of risk to which they are exposed. Elderly, infirmed and the young are the least resilient to risk, followed by people either disorientated by sleep, alcohol or drugs. Therefore, buildings containing these vulnerable groups of people will be given the highest priority by the Committee.

In addition, the maintenance of the essential safety provisions as determined by Regulation 76 of the *Development Regulations 2008*, helps to provide a guidance on building sizes and classifications. In relation to Class 2 buildings of more than 3 storeys and a floor area greater than 200 square meters and Class 3, 4, 5, 6, 7, 8 & 9a, 9b, 9c buildings with more than 2 storeys and a floor area greater than 500 square meters, generally, the owner is required to provide a return of a completed Form 3 of Essential Safety Provisions certifying that the maintenance and testing has been carried out each calendar year. On occasions, it may be the tenant which is required to provide the return.

ARRANGEMENT FOR RISK ASSESSMENT

In order to develop a risk based inspection regime for the Building Fire Safety Committee, the following elements need to be considered against the potential risk - the size of the building, the age of the building, the use of the building, the ability of the occupants to exit the building in the event of a fire and the maintenance of the building.

If a building is for residential use or has a residential usage component, the risk increases as the time to evacuate a building is significantly increased for people which may be asleep at time of fire. This time frame and associated risk is significantly further increased if the occupants are frail or infirm and may need assistance to evacuate the building. Another factor that influences the ability of people to evacuate a building is if their mental and physical condition is affected by drugs or alcohol.

RISK MANAGEMENT PROCESS ADOPTED BY THE BFSC

Risk management is a systematic method of identifying and evaluating the risks associated with any activity or function to minimise or avoid losses.

Councils have a responsibility for protecting the ongoing safety of building occupiers and users through the provisions of the *Planning, Development & Infrastructure Act 2016*. Section 157 of the Act establishes the powers of Councils to investigate whether a building owner is maintaining proper levels of fire safety in buildings for the protection of all occupiers, whether they be residents, workers or visitors.

The risk management process set out below has been developed in line with the Council's Strategic Plan, *City Plan 2030: Shaping Our Future* to foster a strong, health and resilient community and to ensure that public buildings are safe. In developing these guidelines, AS/NZS ISO 31000:2009 (Risk Management Standard) has been closely followed.

RISK IDENTIFICATION

The risks associated with building fire safety have been based on potential risks that come under the control of the Building Fire Safety Committee, based on the experience of its members. A review of risk priorities will be continually monitored as more statistical data is recorded in the future.

TABLE 1 below sets out some examples of the risks and impacts that these may have.

TABLE 1: – RISK SOURCES

RISK SOURCE	IMPACTS	POSSIBLE CAUSES
Accommodation buildings	personal injury and property damage	inadequate fire safety provisions lack of maintenance of fire safety equipment
Changes in use of buildings	longer evacuation times higher fire hazard	changes in ambience of building occupants changes in nature of stored material
Changes in number of occupants	Longer evacuation times	Insufficient exits
Non-maintenance ESP's	Fire safety equipment not operational	Lack of regular maintenance
Civil liability claims	Personal injury or property damage	Incorrect advice Lack of resources to inspect Inadequate prioritisation Failure to follow up on referral

RISK ANALYSIS

Each issue that is brought to the attention of the Building Fire Safety Committee will be analysed to determine its urgency and assign a priority as reflected in the enclosed Building Fire Problem Flowchart based on risk analysis. Building fire safety matters which are initiated based on the risk audit process will be dealt with in the same process outlined in the Building Fire Problem Flowchart.

AUDIT METHODOLOGY

Implementing a proactive approach, the Building Fire Safety Committee with the assistance and advice of qualified Council staff, will undertake an annual audit of buildings and prioritise buildings of concern based on their use, classification and general fire safety in accordance with Council's risk analysis and identification. An audit will consist of a desktop or an

inspection based audit of buildings in each suburb of the City of Norwood Payneham & St Peters.

One (1) suburb will be systematically audited per annum, generally in January each year. All buildings of concern which are identified as warranting investigation due to potential fire safety deficiencies will be listed and investigated by the Committee following the audit. The investigations will be prioritised in accordance with risk analysis and identification as determined during the audit.

INSPECTION POLICY

The Building Fire Safety Committee has developed a risk based approach (as opposed to the random inspection approach) to Building Fire Safety Inspections. Such an approach is complementary to one of the main aims of the *Local Government Act 1999*, which is to provide an overarching framework that, amongst other matters, establishes a structure for accountability, transparency and autonomy in decision making. Additionally, a risk based approach is considered more appropriate than a random approach as it identifies the level of risk to life, safety and property in that order of importance.

The following Risk Matrix has been developed by the Committee to identify the types of buildings that require inspections in order of priority. The Matrix priority has been determined having regard to industry best practice, the Building Code of Australia (B.C.A.) and the experience of the Committee members in dealing with building fire safety issues.

TABLE 2 below identifies the priority ranking of inspections that will be undertaken by the Committee:

TABLE 2: PRIORITY RANKING BASED ON BUILDING USE AND CLASSIFICATION

Building Types (Class'n in accord with BCA)	B.C.A. Classification	Priority Ranking for Inspections (Risk to life and property)
Accommodation Buildings	Class 1b, 2 & 3	3
Caretakers Flat (In association with Class 5–9)	Class 4	5
Office Buildings	Class 5	9
Shop Buildings (re Note 1)	Class 6	8
Storage Type Buildings	Class 7a & 7b	6
Production (Workshop) Buildings	Class 8	7
Health Care Buildings	Class 9a	1
Assembly Buildings	Class 9b	4
Aged Care Buildings	Class 9c	2

- Notes:
1. Where shops are part of a large Shopping Centre Complex, a much higher priority will be given as determined by the Committee, similar to Assembly Buildings.
 2. Class 1a buildings (Domestic Dwellings) are generally not inspected as they are not accessible to the public and hence have a lower risk to life and property than other classes of buildings.
 3. The priority ranking system is based on a score of "1" representing the highest risk to life and property, and a score of "9" represents the lowest risk to life and property.

The Committee reserves the right to change the order of inspection priority on a case by case basis, but recognises that it will perform its duty on the basis of the risk based approach to its inspection regime.

BUILDING FIRE SAFETY PROBLEM FLOWCHART

