

# THE BAROSSA COUNCIL BUILDING FIRE SAFETY POLICY



## 1. Purpose

- 1.1. The purpose of this Policy is to establish The Barossa Council (the "Council") and Council's Building Fire Safety Committee (the "Committee")'s obligations as an "appropriate authority" under section 157 of the *Planning, Development and Infrastructure Act 2016 (the Act)* with respect to building fire safety.

## 2. Scope

- 2.1. This Policy applies to Officers and Committee members with respect to ensuring that Officers are fully aware of their responsibilities when dealing with matters involving the Building Fire Safety Committee.
- 2.2. Committee members and officers should refer to the Committee's Terms of Reference with respect to Committee meeting procedures.

## 3. Policy Statement

### Inspections

- 3.1. Inspections shall be carried out when:
- 3.1.1. Council requests a Fire Safety report on a particular building;
  - 3.1.2. At the request of the fire authority;
  - 3.1.3. When complaints are received – refer to clause 3.3 below;
  - 3.1.4. An audit-based inspection is required;
  - 3.1.5. Determining the action to be taken when building fire safety is deemed to be inappropriate;
- 3.2. Inspections shall be prioritised in accordance with **Appendix 1 – Building Fire Safety Committee Investigation / Inspection Priority**. The Committee may review the appendix every four (4) years or more frequently if required, and insert an updated appendix if required.

### Procedure upon receipt of a complaint

- 3.3. Where a complaint is received regarding a matter which should be considered by the Committee:
- 3.3.1. It will be allocated to an Authorised Officer for an inspection to take place;
  - 3.3.2. The Authorised Officer will inspect the site and if they determine that it is necessary for the building to be further inspected, then it will be referred to the Committee. 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 must submit a report to the Committee to consider.

## **Issuing and Service of Notices**

- 3.4. If the Committee is satisfied that the risk of the alleged building fire safety matter is of extreme or high risk to the safety of any person, the Committee may cause or resolve for a Notice to be served on the owner of the building, alternatively the Committee should review its proposed actions against the Enforcement Policy framework.
- 3.5. Notices served by the Committee must be signed by an Authorised Officer who holds the required accreditation.
- 3.6. When Notices are served, varied, revoked or complied with to the satisfaction of the Committee the building owner must be notified as soon as possible.
- 3.7. Notices must be detailed and issued in accordance with legislation, and the rights of appeal must be notified to the building owner.
- 3.8. Council will be kept appraised of the activities of the Committee via regular reporting processes, noting that any such reporting will not include any private or sensitive information.

## **4. Supporting Processes and Documents**

Building Fire Safety Committee Terms of Reference - Ref: CD/21/2\*  
Enterprise Risk Management Framework – Risk Analysis – Ref: CD/20/21\*

## **5. Related Policies**

Building Inspection Policy and associated Processes  
Enforcement Policy and associated Processes

## **6. Legislation and References**

*Planning, Development and Infrastructure Act 2016* and associated Regulations  
Attorney-General's Department Council Building Fire Safety Committees Guide (September 2020)



## **7. Review**

This Policy will be reviewed by the Council in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes.

## **8. Further Information**

- 8.1. This Policy is available on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au). It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au) at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 8.1 above for availability).

<b>9. Document Control</b>
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<b>Corporate Plan Link:</b>		1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.		
		6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
<b>Document Owner:</b>	Director, Development and Environmental Services		<b>Document Control Officer:</b>	Senior Assessment Officer, Building
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<b>Version history</b>				
<b>Version No.</b>	<b>Date</b>	<b>Description of Change</b>		
1.0	June 2010	Policy last reviewed.		
2.0	16/03/2021	Policy reviewed to incorporate obligations under PDI Act.		

<b>10. Definitions</b>
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Appropriate Authority	As defined by section 157(16) of the <i>Planning, Development and Infrastructure Act 2016</i> (PDI Act): A body established by a council, or by 2 or more councils, under section 157(17) of the PDI Act and designated by the council or councils as an appropriate authority under section 157 of the PDI Act.  The appropriate authority appointed by The Barossa Council under section 157(17) is the Building Fire Safety Committee.
Authorised Officer	A person appointed to exercise the powers of an authorised officer under the <i>Planning Development and Infrastructure Act 2016</i> , and who holds the prescribed qualifications and/or appropriate accreditation as required by the Act, Regulations and legislative instruments under the Act.
Business Day	A day when Council is normally open for business – Monday to Friday, excluding Public Holidays and when Council's Principal Office may be closed (e.g. over the Christmas holiday period).
Employee	All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.
Electronic Document and Records Management System ("EDRMS")	An automated system used to manage the creation, use, management, storage and disposal of physical and electronic Documents and Records, for the purposes of supporting the creation, revision and management of digital Documents; improving Council's work-flow, and providing evidence of business activities.
Committee	The Barossa Council's Building Fire Safety Committee
Council	The Barossa Council
Supervisor	Any direct line supervisor, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Worker(s) reporting to them.
Worker	A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or

	(c) an employee of a contractor or subcontractor; or
	(d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
	(e) an outworker; or
	(f) an apprentice or trainee; or
	(g) a student gaining work experience; or
	(h) a volunteer; or
	(i) a person of a prescribed class.

<b>Appendix 1</b>	<b>Building Fire Safety Committee Investigation / Inspection Priority</b>
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### 1. Complaint

### 2. Accommodation

#### 2A. Accommodation – no prior MFS, CFS, Committee or Council knowledge or in bushfire prone area

##### 2A1. Accommodation – vulnerable patrons

Includes aged care, nursing home, health care, private hospitals, day surgery, supported residential facilities, accommodation for aged, children or people with disabilities, school boarding houses, school and youth camps

Reinspection of these premises should occur within 10 years if regular audits by MFS or CFS or other body are being undertaken or within 5 years otherwise

##### 2A2. Accommodation – public

Includes hotel, motel, boarding house, guest house, hostel, lodging house, backpackers, workplace accommodation, short term holiday accommodation, caravan park

Reinspection of this premises should occur within 10 years

#### 2B. Accommodation – prior MFS, CFS, Committee or Council knowledge

##### 2B1. Accommodation – vulnerable patrons

Includes aged care, nursing home, health care, private hospitals, day surgery, supported residential facilities, accommodation for aged, children or people with disabilities, school boarding houses, school camps

Reinspection of these premises should occur within 10 years if regular audits by MFS, CFS or other body are being undertaken or within 5 years otherwise

##### 2B2. Accommodation – public

Includes hotel, motel, boarding house, guest house, hostel, lodging house, backpackers, workplace accommodation, short term holiday accommodation, caravan park

Reinspection of these premises should occur within 10 years

### 3. Public Assembly Buildings

#### 3A. Public Assembly Buildings with liquor license or vulnerable patrons

Includes hotel, clubrooms, nightclub, social club, entertainment venue

Reinspection of these premises should occur within 5 years

**3B. Public Assembly buildings – other**

Includes public hall, town hall, theatre, cinema, church, airport, school assembly buildings and theatres, sports stadium, library

Reinspection of these premises should occur within 10 years

**4. Large Public Population / Large Fire Load**

**4A. Shopping Centres & Large / Multi-storey Shops**

**4B. Large warehouses & Factories (ie >2000m<sup>2</sup>)**

**5. Aged or Disabled Independent Living**

**6. Other Commercial & Educational Premises**

Includes warehouses, factories, offices, shops, restaurant, laboratory, carpark, health care building (no accommodation), school and university classrooms and administration



*The Barossa Council*