

# THE BAROSSA COUNCIL

## TERMS OF REFERENCE OF THE BUILDING FIRE SAFETY COMMITTEE



### 1. ESTABLISHMENT

- 1.1 The Barossa Council (the "Council"), at its meeting held on 16 March 2021 established The Barossa Council Building Fire Safety Committee (the "Committee") pursuant to section 157(17) of the *Planning, Development and Infrastructure Act 2016* ("PDI Act").
- 1.2 The Committee is established for the purpose of acting as the "appropriate authority" (as defined in the PDI Act) in respect of all fire safety matters arising under section 157 of 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*).
- 1.3 The first meeting of the Committee shall not be held until, on or after the date on which the PDI Act becomes fully operational in the Council area i.e. upon the commencement of the Planning and Design Code for Phase 3 Councils.
- 1.4 The Committee may be wound up at any time by resolution of the Council.

### 2. MEMBERSHIP

- 2.1 Pursuant to section 157(17) of the PDI Act, the Committee shall consist of:
  - 2.1.1 A person who holds prescribed qualifications in building surveying appointed by the Council;
  - 2.1.2 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, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority;
  - 2.1.3 A person with expertise in the area of fire safety appointed by the Council; and
  - 2.1.4 If so determined by the Council, a person selected by the Councilwho shall be appointed to the Committee by Council.
- 2.2 The Council may appoint deputy members to the Committee.
- 2.3 Committee will, its first meeting appoint an independent Presiding Member for a term of 4 (four) years. The Presiding Member may be reappointed at the expiration of the term.
- 2.4 Subject to clause 1.3, membership of the Committee is for four (4) years.
- 2.5 The office of a member of the Committee will become vacant if:
  - 2.5.1 A member dies; or
  - 2.5.2 A member completes a term of office and is not reappointed; or
  - 2.5.3 A member resigns by written notice addressed to the Council; or
  - 2.5.4 A member is removed from office by the Council for any reasonable cause.



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- 2.6 Subject to clauses 1.4 and 2.5, Committee members are eligible for re-appointment to the Committee at the expiration of their term of office.

### 3. GOVERNANCE

- 3.1 Notwithstanding this Terms of Reference, all Committee members will observe the relevant requirements under the:
- 3.1.1 PDI Act and associated regulations;
  - 3.1.2 *Local Government Act* and associated Regulations;
  - 3.1.3 Any relevant Code of Conduct
  - 3.1.4 Council's policies and processes that are relevant to the operations of the Committee, and where applicable, any accreditation or qualifications that the member is required to hold.

### 4. MEETINGS

- 4.1 The Committee shall meet on a day and time nominated by the Presiding Member, with a minimum of two (2) ordinary meetings in each calendar year. The Committee may hold a special meeting at any other time at the direction of the Presiding Member.
- 4.2 The Committee shall meet at the Council office at 43-51 Tanunda Road, Nuriootpa, or at such other place as the Committee may, from time to time, determine and can meet electronically.
- 4.3 Quorum
- 4.3.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
  - 4.3.2 A quorum for a meeting of the Committee shall be three (3) persons:
    - 4.3.2.1 one of whom shall be the person nominated by the Chief Officer of the Country Fire Service or Metropolitan Fire Service or their proxy; and
    - 4.3.2.2 one of whom shall be a Council officer; and
    - 4.3.2.3 Council's building surveyor and/or engineer or proxy.
- 4.4 Calling of Meetings
- 4.4.1 In the case of an ordinary Committee meeting, the Presiding Member must give each member of the Committee notice of a meeting at least three (3) clear days before the date of the meeting.
  - 4.4.2 In case of a special meeting of the Committee, the Presiding Member must give each member of the Committee notice of the meeting at least four (4) hours before the commencement of the meeting.
  - 4.4.3 All items to be considered by the Committee should be submitted at least three (3) days prior to the Committee's scheduled meetings, unless deemed urgent by the Presiding Member of the Committee.
  - 4.4.4 Notice may be given to a member of the Committee:
    - 4.4.4.1 Personally;



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- 4.4.4.2 By posting to the person at their usual or last known place of business; or
- 4.4.4.3 By email known to be used by the person.

4.5 All decisions of the Committee shall be made on the basis of a majority decision of the members present. Each member of the Committee present at the meeting must, subject to clause 4.6, or a provision of the Act or Regulations to the contrary, vote on a question arising for decision at that meeting.

#### 4.6 Conflict of Interest

4.6.1 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 which exists in common with a substantial class of persons) must not take part in any deliberations or decisions of the Committee in relation to that matter.

#### 4.7 Minutes

4.7.1 The minutes of each meeting must include:

- 4.7.1.1 the names of the members present;
- 4.7.1.2 in relation to each member present, the time at which the person entered or left the meeting;
- 4.7.1.3 all motions and amendments, and the names of the mover and seconder;
- 4.7.1.4 whether a motion or amendment is carried or lost;
- 4.7.1.5 any disclosure of interest made by a member; and
- 4.7.1.6 any other matter required to be included in the minutes by direction of the Council.

4.7.2 The Committee's administrative support will:

- 4.7.2.1 keep minutes of each meeting;
- 4.7.2.2 within five (5) days of the meeting:
  - register the draft minutes to Council's Electronic Document Record Management System (EDRMS);
  - ensure that a copy of any complaint(s), any reports prepared for the Committee by an Authorised Officer and the Minute relating to the matter are registered to the Committee EDRMS location; and
  - provide the draft minutes to the Committee members;
- 4.7.2.3 submit for confirmation the draft minutes at the next Committee meeting; and
- 4.7.2.4 report to Council, on a regular basis, on the Committee's activities, noting that any such report will not contain any private or sensitive information.

4.7.3 The minutes of the Committee shall be confirmed at the next meeting of the Committee.

4.8 Insofar as the PDI Act or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process. In that case, the Committee will document that process within its Minutes.

<b>5.</b>	<b>RESOURCES</b>
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- 5.1 *Planning, Development and Infrastructure Act 2016* and associated Regulations
- 5.2 Building Fire Safety Policy (10/23720\*)
- 5.3 Building Inspection Policy
- 5.4 Enforcement Policy

<b>6.</b>	<b>TRAINING AND SUPPORT</b>
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- 6.1 Committee members who are required to hold qualifications or accreditation are expected at all times to maintain and comply with all requirements of their qualification and/or accreditation, including any continuing professional development requirements.
- 6.2 Internal inductions may be provided to Committee members on an as-needs basis, or upon request.

<b>7.</b>	<b>DOCUMENT CONTROL</b>
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<b>Corporate Plan Link:</b>	 	<p>1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.</p> <p>6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.</p>		
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