

<b>Policy Number:</b>	<b>3. Development Environment and Regulatory Services</b>
<b>Policy Name:</b>	<b>Building Fire Safety</b>
<b>Classification:</b>	<b>Mandatory</b>
<b>Adopted:</b>	<b>10 August 2021</b>
<b>Frequency of Review:</b>	<b>Every Four Years</b>
<b>Last Review:</b>	<b>July 2021</b>
<b>Next Review Due:</b>	<b>July 2025</b>
<b>Responsible Officer(s):</b>	<b>Manager Development, Environment and Regulatory Services</b>
<b>Policy and Code of Practice Manual File Ref:</b>	<b>CC10/2601</b>
<b>Council File Reference:</b>	<b>CR21/9567</b>
<b>Legislation Authority:</b>	<b>Section 157, Planning, Development and Infrastructure Act 2016 (PDI Act 2016)</b>
<b>Related Policies and Codes:</b>	
<b>Related Procedures:</b>	<b>N/A</b>

## 1. BACKGROUND

- 1.1 As frequently reported to Council, the State of South Australia has finalised the process of transitioning to a new planning system under the *Planning Development and Infrastructure Act 2016* (the Act). Pursuant to Section 157 of the Act, the Council has established a Building fire Safety Committee for the purposes of acting as the appropriate authority in respect of all building fire safety matters
- 1.2 This policy is based on Council's obligations under the Act to investigate whether building owners are maintaining the proper levels of building fire safety for the protection of all occupants of that building.
- 1.3 This policy set out the inspection and enforcement criteria established by the Building Fire Safety Committee. Reference to the adopted Town of Gawler Building Fire Safety Committee terms of reference which details the complete function of the Building Fire Safety Committee is attached to this policy.
- 1.4 Council's policies are guided by principles of 'sustainability', good governance, advocacy, regulations and service provision. More guidance is provided in Council/Corporate/Procedural Policies, Council's Strategic Plan, Business Plan and other relevant documents. The Town of Gawler Council entrusts that duty to a

properly established Building Fire Safety Committee comprising of members with appropriate qualification.

### **1.3 Building Fire Safety Committee:**

- 1.3.1 The appropriate authority is a body established by a Council, or by two or more Councils, under Section 157, PDI Act 2016 and designated by the Council or Councils as an appropriate authority under this section.

## **2. INSPECTION POLICY**

- 2.1 Local Councils play an important role in protecting the safety of building occupiers and users, whether they are residents and workers who use the buildings regularly, or clients and visitors who use them occasionally.
- 2.2 The Building Fire Safety Committee shall develop an inspection policy for ratification by Council that sets out the basis for undertaking inspections, review of the types of buildings and occupancies to identify high fire risks and the need for identified premises to be systematically inspected.
- 2.3 Inspections shall be carried out when:
- 2.3.1 Council requests a Fire Safety report on a particular building;
  - 2.3.2 At the request of the fire authority;
  - 2.3.3 When complaints are received;
  - 2.3.4 An audit based inspection is required;
  - 2.3.5 Determining the action to be taken when building fire safety is deemed to be inappropriate;
  - 2.3.6 High risk areas are identified viz:
    - 2.3.6.1 Public buildings;
    - 2.3.6.2 Accommodation buildings;
    - 2.3.6.3 Work places such as factories, warehouses with storage of flammable and dangerous goods;
    - 2.3.6.4 Bed & Breakfast establishments;
    - 2.3.6.5 Hotels, restaurants, café, etc.
- 2.4 Fire safety deficiencies of a minor nature will be dealt with by a Building Officer – of Council who holds prescribed qualifications and is directed to undertake inspections of buildings under Section 157 (2) of the PDI Act 2016 by the Building Fire Safety Committee.

## **3. FIRE SAFETY NOTICES**

- 3.1 The Building Fire Safety Committee is authorised to serve, vary or revoke the following notices where fire safety issues and public safety are deemed to be inadequate, pursuant to Section 157 PDI Act 2016 and apply to the ERD Court for an enforcement order where owners fail to comply:
- 3.1.1.1 Notice of Fire Safety Defect; and
  - 3.1.2 Notice of Building Work Required.
- 3.2 Notices served by the Committee must be signed by at least two (2) members of the committee.

- 3.3 When Notices are served, varied, revoked or complied with to the satisfaction of the committee, the Council and the building owner must be notified as soon as possible.
- 3.4 Fire Safety Notices must be detailed and issued in accordance with the PDI Act 2016 and rights of appeal must be notified to the building owner.

#### **4. SYSTEM IMPROVEMENT PROGRAM**

The PlanSA Council Building Fire Safety Committees Guide and PDI Act 2016 shall be followed where appropriate for the committee functions and enforcement procedures.

#### **5. MONITORING AND REPORTING**

Records will be kept of inspections and collated on a quarterly basis to account for the performance of Council in meeting the requirements of this Policy.

#### **6. REVIEW AND EVALUATION**

The effectiveness of this Policy will be reviewed every four years.

The Chief Executive Officer will report to council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Code.

The Policy will not be altered or substituted so as to affect a process already commenced.

#### **7. FURTHER INFORMATION**

Further information about this Policy can be obtained by:-

Telephone: 8522 9211

Email: [council@gawler.sa.gov.au](mailto:council@gawler.sa.gov.au)

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

#### **8. AVAILABILITY OF POLICY**

The Policy is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available for the Council website at [www.gawler.sa.gov.au](http://www.gawler.sa.gov.au).

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.