

Agenda Report for Decision

Meeting Date: 2 September 2021

Item Name	Strategy for operating State Planning Commission Building Fire Safety Committee in out of council areas
Presenters	Jodie Evans, Manager Building Policy and Programs
Purpose of Report	Decision
Item Number	4.3
Confidentiality	Not Confidential (Release Immediately)
Related Decisions	8 July 2021 (Item No 1.10)

Recommendation

It is recommended that the Commission resolves to:

1. Approve the designation of this item as Not Confidential (Release Immediately).
2. Approve the Terms of Reference & Operating Procedures for the State Planning Commission Building Fire Safety Committee (the Committee) at (**Attachment 1**).
3. Appoint the following members to the Committee as required under section 157(17) of the *Planning, Development and Infrastructure Act 2016* (the Act), for the term of three years commencing on 1 October 2021 and expiring on 30 September 2024:
 - a) Ms Jodie Evans, Manager, Building Policy & Programs (Chair);
 - b) Mr Louis Palumbo, Principal Building Officer, Building Policy & Programs;
 - c) Mr Mark Sutton, Director, Outback Communities Authority.
4. Note that Mr Colin Paton, CFS Fire Safety Officer, has been approved by the Chief Officer of the Country Fire Service (CFS) to participate as a member of the Committee.
5. In the Commission's capacity as a council for out-of-council areas, designate the Committee as an appropriate authority under section 157(16) of the Act.
6. Authorise the Chair to write to:
 - the Presiding Member of the Outback Communities Authority formally requesting a nomination of the Authority to become an ongoing member of the Committee; and
 - all appointed members of the Committee to agree to their terms and conditions of appointment.
7. Note the date and scope of the initial inspections to be conducted by the Committee, and that a subsequent report will be provided to the Commission outlining any actions and outcomes as required.

Background

The Building Fire Safety Committee (the Committee) for out-of-council areas is a committee established by the State Planning Commission (Commission) as an 'appropriate authority' for the purposes of section 157 of the *Planning, Development and Infrastructure Act 2016* (the Act).

Since 1 August 2017, the Commission has assumed these responsibilities and functions for out-of-council areas, a role that was previously the responsibility of the Development Assessment Commission under the *Development Act 1993*.

Under Regulation 92 of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Commission is included within the definition of a "council" with respect to any development or building in out-of-council areas, for the purpose of Part 11 (sections 145 to 159) of the Act (relating to building activity and use).

In accordance with section 29(1)(c) of the Act, the Commission can establish a committee to act on its behalf in the performance of its functions or the exercise of its powers. On 24 October 2019, the (then) Minister for Planning granted approval for this establishment, as shown in (**Attachment 1**).

The role of this committee is to investigate whether an owner of a building in the out-of-council areas of South Australia is maintaining appropriate levels of fire safety in their buildings.

On 8 July 2021 the Commission resolved to note the update on building policy matters.

Discussion

Following the 8 July 2021 decision, the Department has progressed the following matters:

Final Terms of Reference

The Department has finalised drafting the necessary operating guidelines that will support the Committee's Terms of Reference & Operating Procedures (**Attachment 2**). Once approved these documents will provide the necessary guidance for the establishment, operation and function of the Committee and ensure all legislative obligations are met.

Membership

The Department has reviewed the Committee membership to ensure appropriate skills and experience is available and meets the legislative criteria. To meet the membership criteria specified in section 157(17) of the Act, the following officers have been nominated and are proposed at Table 1.

Name	Committee Position
Ms Jodie Evans Manager, Building Policy & Programs being an Accredited Professional – Level 1 Building	Chair and a person who holds prescribed qualifications in building surveying
Mr Louis Palumbo Principal Building Officer, Building Policy & Programs being an Accredited Professional – Level 1 Building	A person with expertise in the area of fire safety
Mr Colin Paton CFS Fire Safety Officer	An Authorised Officer under Part 3, Division 5 or section 86 of the <i>Fire and Emergency Services Act 2005</i> approved by the Chief Officer

Mr Mark Sutton Director, Outback Communities Authority	A person with knowledge and experience of issues encountered in outback areas
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Table 1.

In the case of the CFS Fire Safety Officer, this member has been approved by the Chief Officer of the CFS to participate as a member of the Committee, as provided for under section 157(17)(a)(ii) of the Act. Refer to approval from the Chief Officer at (**Attachment 3**).

Due to the remote location, vast distances and difficulties the outback area community are required to manage, it is imperative that the Committee has a member that is in tune with the community and understands not only the safety requirements, but also community needs. The Department has communicated this and the potential involvement on the Committee with Mr Mark Sutton, Director, Outback Communities Authority (Authority). Mr Sutton is experienced with the outback and is also a volunteer member of the CFS. For these reasons, the Department is of the opinion that Mr Sutton's involvement would be vital in establishing relationships and re-engaging with the outback community, considering the Committee has not been operational since 2012.

To advise the Authority of the Commission's appointment of Mr Sutton to the Committee, a letter has been drafted from the Chair of the Commission to the Presiding Member of the Authority (**Attachment 4**). Mr Mark Sutton Director Outback Communities Authority, has agreed to accompany the Committee on its trip, subject to formal acceptance of his appointment.

Overall the proposed Committee members hold the appropriate qualifications, experience and expertise required under the Act for Building Fire Safety Committee purposes.

It is noted that there is no requirement under section 157 of the Act for members of the Committee to be authorised officers under the Act. Powers to enter and inspect a building are provided to all members of the Committee under section 157(1), irrespective of their status as an authorised officer. Powers to issue notices and other actions are granted to the Committee acting collectively under section 157(4) and (7), rather than to individual members. However, authorised officers hold additional powers under section 211 of the Act – including the power to break into or open any part of the land or building, pull down or lay open any building or building work (with an appropriate warrant) and require the production of documents. Under section 211(4) of the Act, an authorised officer may also be assisted by such persons as necessary or desirable in the circumstances – this may include members of the Committee who are not authorised officers.

As such, it is recommended that at least two (2) members of the Committee are authorised officers under the Act, in the event these additional powers need to be exercised as part of the Committee's inspections program. Initially, this is intended to be the two members of the Committee employed within the Building Policy & Programs Directorate in PLUS.

Approach

The Committee intends to take a risk-based approach to fire safety matters, with the view to minimise enforcement actions. The Committee will take appropriate action to inform building owners of any identified fire safety inadequacies, giving them opportunity to report back to the Committee with a schedule of works and associated timeframes.

A desktop audit has been conducted and identified 11 properties that fall within the scope of the Committee to inspect. The properties identified include accommodation buildings and caravan parks that pose the greatest risk to life safety if fire safety systems are not being maintained.

These properties have been mapped (**Attachment 5**) and visits to these areas are being planned. The inspections could be undertaken in conjunction with other agencies such as SA Health who make frequent visits and could minimise the number of interruptions to a business.

Although the Committee is not responsible for the Commission's compliance work (for developments approved by the State Commission Assessment Panel (the SCAP) on behalf of the Commission), the Department has consulted with the SCAP delegate in relation to any matters the Committee could action during the initial visit. Although no items were raised, any breaches identified will be reported to SCAP delegate for their action.

Next Steps

The initial trip is scheduled to occur at the beginning of October 2021 to avoid the summer season and will be undertaken with the intention of:

- Verifying the scope of work identified by the desk top audit,
- Establishing contacts and introducing the Committee and its members, role, function, etc.
- Providing education material and advice,
- Identifying any pressures that are hindering compliance (access to trades)

A Committee meeting will be scheduled prior to the initial trip to discuss the scope of work and any current sensitivities due to the extended timeframe since the Committee last visited these areas. A strategy will be determined by the Department on how to manage this appropriately.

Attachments:

- 1 Approval by the Minister for the State Planning Commission Building Fire Safety Committee – 24 October 2019 (Knet#17553978)
- 2 Terms of Reference & Operating Procedures for the State Planning Commission Building Fire Safety Committee (Knet#16175328)
- 3 Letter from Chief Officer of the CFS approving nomination to the Committee (Knet#17553975)
- 4 Letter to Outback Communities Authority regarding SPC Building Fire Safety Committee from SPC Chair (Knet#17424741)
- 5 Site Map - SPC BFSC – October 2021 trip (Knet#17533726)

Prepared by: Jodie Evans, Manager Building Policy & Programs

Endorsed by: Michael Burdett, Director, Land & Built Environment

Date: 18 August 2021



**STATE
PLANNING
COMMISSION**

Establishment of a Building Fire Safety Committee for Out of Council Areas

RECOMMENDATION

In accordance with Section 29(1)(c) of the PDI Act, the State Planning Commission seeks approval to establish the Building Fire Safety Committee for Out of Council Areas to act on its behalf in the performance of its functions or the exercise of its powers under Section 157 of the PDI Act.

APPROVED/NOT APPROVED


**HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING**

24 / 10 / 2019

#

State Planning Commission (SPC) - Building Fire Safety Committee
Terms of Reference and Operating Procedures

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1. Role and purpose

The Building Fire Safety Committee (BFSC) for out of council areas is a committee established by the State Planning Commission as an 'appropriate authority' for the purposes of section 157 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) (**Appendix A**), to investigate whether owners of buildings in the out of council areas of South Australia are maintaining proper levels of fire safety in their buildings.

The PlanSA Guide in relation to Council Building Fire Safety Committees has been utilised in the preparation of its procedures and protocols (**Appendix B**).

As an 'appropriate authority', when the BFSC finds that the fire safety of a building is not adequate, the BFSC can either require the building owner to take measures to make the fire safety adequate, or it can prohibit occupation or use of the building until an identified fire hazard no longer exists.

The role of the State Planning Commission is to-

- Establish the BFSC as the appropriate authority for monitoring fire safety in buildings in the out of council areas; and
- Appoint persons who meet the membership criteria specified in section 157(17) of the PDI Act as members of the BFSC; and
- Endorse any policies and procedures proposed by the BFSC for managing fire safety in buildings in the out of council areas.

2. Membership

Persons appointed as members of an 'appropriate authority' must meet the membership criteria specified in section 157(17) of the PDI Act.

The Commission has appointed (or in the case of the member approved by the Chief Officer of the CFS, noted the approval) the following members to the BFSC under section 157(17) of the Act:

Appointed member	Prescribed criteria for membership
Jodie Evans, Manager Building Policy and Programs being an accredited professional - Level 1 Building	A person who holds prescribed qualifications in building surveying
Colin Paton, CFS fire safety officer	An authorised officer under Part 3 Division 5 or section 86 of the <i>Fire and Emergency Services Act 2005</i> approved by the Chief Officer
Louis Palumbo, Principal Building Officer being an accredited professional - Level 1 Building	A person with expertise in the area of fire safety
Mark Sutton, Director of Outback Communities, Office Local Government or such other appropriate officer nominated by the Outback Communities Authority and approved by the State Planning Commission from time to time.	A person with knowledge and experience of issues encountered in outback areas

Except for a member approved by the Chief Officer of the CFS, deputy members who meet equivalent membership criteria to that of a BFSC member may, with the approval of the State Planning Commission, be appointed to deputise for that member in his/her absence.

The Chief Officer of the CFS may, at his discretion, appoint a deputy member to deputise for the member nominated by the Chief Officer of the CFS, by written notice to the State Planning Commission.

Members are appointed for a three (3) year term that will commence on 1 October 2021 and expire on 30 September 2024 unless extended by the State Planning Commission.

The office of a member of the BFSC (with the exception of the member nominated by the Chief Officer of the CFS) will become vacant if a member-

- (a) Dies;
- (b) Completes a term of office;
- (c) Resigns by written notice addressed to the State Planning Commission;
- (d) Is removed from office by the State Planning Commission for any reasonable cause.

If a position becomes vacant and is subsequently filled, the term of appointment may be adjusted so that it expires on the same day as other members.

3. Terms of Reference

To achieve its purpose, the BFSC is required to-

- 3.1 Develop a risk based inspection program for monitoring building fire safety in the out of council areas, for the purpose of identifying any buildings that may not have adequate fire safety measures.
- 3.2 Undertake building inspections to ascertain whether the fire safety is adequate and identify any inadequate features that could reduce the fire safety, taking into account the extent to which a building meets the fire safety requirements of *Ministerial Building Standard MBS 001 – Upgrading health and safety in existing buildings (Appendix C)*.
- 3.3 Develop a work program for addressing fire safety in buildings identified during inspections as having fire safety defects, which prioritises work on a high risk first basis (according to the potential risk to life safety posed by any fire safety inadequacies).
- 3.4 Subject to clause 3.5, all issues will generally be addressed initially with the building owner or delegate via written communication that will clearly state a response date. If no adequate action has been undertaken after the initial response date, the BFSC will consider the matter and decide on the appropriate form of action to mitigate the risk to life safety.
- 3.5 Plan a course of action to address and remove building fire safety inadequacies on a case by case basis, in accordance with the provisions of section 157 of the PDI Act, which may include-
 - (a) Issuing a *Notice of Fire Safety Defect* requiring the building owner to report within two (2) months to the BFSC on the work or other measures necessary to ensure that the fire safety of the building is adequate;
 - (b) Allowing the building owner to make representation to the BFSC about the fire safety and to negotiate a cost effective solution that will reduce fire safety risks to an acceptable level and meet the required fire safety performance;
 - (c) Issuing a *Notice of Building Work Required* scheduling rectification work that must be carried out to raise the building fire safety to an adequate level of safety; and
 - (d) Issuing a notice to prohibit the occupation or use of a building until a fire hazard no longer exists.
- 3.6 Inform a building owner of their right to appeal a BFSC decision, direction or notice.
- 3.7 Take enforcement action when necessary to ensure that a building owner complies with a notice issued by the BFSC under section 157 of the PDI Act.
- 3.8 When appropriate, revoke or vary a notice issued by the BFSC under section 157 of the PDI Act.

4. Administrative procedures

- 4.1 **Meetings** - the BFSC will meet regularly on a quarterly basis and the following provisions apply -

- (a) In the case of an ordinary meeting of the BFSC, the Chair of the BFSC must give each member of the BFSC notice of a meeting at least five (5) clear business days before the date of the meeting;
 - (b) In the case of an electronic meeting to be held by way of electronic means (in whole or in part), the notice must include details of how to connect to the meeting;
 - (c) In the case of a special meeting of the BFSC, the Chair must give each member of the BFSC notice of the meeting at least twenty four (24) hours before the commencement of the meeting.
- 4.2 **Chair** – the Chair of the BFSC is appointed by the Commission. In the event of absence of the Chair at a meeting, the remaining members of the BFSC will elect a member to act as the Chair for that meeting.
- 4.3 **Quorum** – three (3) members will constitute a quorum at meetings of four (4) members (and one of those members shall be the CFS representative).
- 4.4 **Decisions** – All decisions of the BFSC shall be made on the basis of a majority decision of the members present. In the event when votes are equally divided, the Chair will have the casting vote.
- 4.5 **Administrative support** – will be provided by the Building Policy & Programs Team in the Attorney General’s Department and will be in line with procedures outlined in ‘Guide to Council Building Fire Safety Committees’, including-
- Keeping accurate Minutes;
 - Preparing and issuing correspondence and notices;
 - Co-ordinating information for Section 7 enquiries;
 - Tracking progress of actions; and
 - Filing, storing and retrieving records
- 4.6 **Records and reporting** on actions taken by the BFSC will be the responsibility of the Building Policy & Programs Team in the Attorney General’s Department.
- An annual report will be provided by the BFSC to the State Planning Commission on the fire safety status of buildings in the out of council areas.
- 4.7 **Conflict of interest** - A member with a personal interest or a direct pecuniary interest in any matter before the BFSC must declare that interest and not take part in any deliberations or decisions of the BFSC in relation to that matter.
- 4.8 **Confidentiality** – A member of the BFSC must not intentionally disclose any confidential information gained by virtue of their official position unless section 236(2) of the PDI Act authorises such disclosure.

5. Inspection Policy

The following inspection policy has been prepared and endorsed by the State Planning Commission for the purposes of –

- Monitoring the fire safety of buildings in the out of council areas;
- Identifying buildings that do not have adequate fire safety measures;
- Taking appropriate action to improve the fire safety of buildings that have been deemed not adequate;
- Checking that actions required to improve fire safety have been carried out effectively.

The State Planning Commission’s BFSC will-

- 5.1 Identify buildings offering tourist accommodation along or near major tourist routes in the outback areas (**Appendix D**) and program those for an audit fire safety inspection or assessment by the BFSC at the earliest opportunity. Major tourist routes include–
- The Barrier Highway
 - The Stuart Highway

- The Eyre Highway
- The Outback Highway

- 5.2 Identify other non-private residential facilities in the out of council areas that will need to undergo a future fire safety audit inspection by the BFSC at the earliest opportunity.
- 5.3 Establish an inspection program that will ensure -
- Buildings identified with fire safety defects that potentially pose a risk to life safety are inspected and rectified within the next three year period (as appropriate); and
 - Tourist accommodation and non-private residential facilities in the out of council areas undergo a fire safety inspection/ review within a prescribed five year period.
- 5.4 Carry out programmed building inspections to identify features that adversely affect fire safety, taking into account the extent to which buildings meets the fire safety requirements of *Ministerial Building Standard MBS 001 – Upgrading health and safety in existing buildings*.

6. Operating procedures

To achieve its statutory function, the BFSC will operate in line with the following procedures-

- 6.1 Initially, a desk top analysis of accommodation buildings and non-private residential facilities in the out of council areas will be carried out by the Building Policy & Programs Team to identify those that should be included in an inspection program.
- 6.2 Develop an inspection program scheduling fire safety inspections to be carried out of identified buildings by a member of the BFSC.
- 6.3 Contact the owners of buildings identified and programmed for inspection and advise them of the BFSC's intention to inspect the fire safety of their building.
- 6.4 Undertake programmed building inspections and identify any fire safety inadequacies that will need to be addressed. The fire safety inspections will initially be carried out between March and October of each year (in order to avoid the hottest months of the year), by the BFSC member who is authorised under the *Fire and Emergency Services Act 2005* to enter and inspect buildings and report back to the BFSC on the fire safety status of each building inspected.
- 6.5 Members of the BFSC have the power to enter and inspect buildings under section 157(1) of the PDI Act, irrespective of their status as "authorised officers" under the PDI Act. Members of the BFSC who are also authorised officers approved under section 210 of the PDI Act, may also exercise additional powers under section 211 of the PDI Act. The member of the BFSC approved by the Chief Officer of the CFS must also be an authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act 2005*, which provides additional powers to that member.
- 6.6 Following an inspection, the BFSC will consider the extent to which an inspected building meets the fire safety requirements of Part 3 of *Ministerial Building Standard 002 – Upgrading health and safety in existing buildings* and identify any inadequacies.
- 6.7 The BFSC will take appropriate action to inform building owners of any identified fire safety inadequacies, giving them the opportunity to report back to the BFSC within a specified time on work or other measures they intend carrying out to make the fire safety adequate.
- 6.8 The BFSC will consider any reports submitted by building owners and, if necessary, negotiate an agreed program of work that will reduce fire safety inadequacies identified during an inspection.
- 6.8 When necessary, the BFSC will take appropriate action, including enforcement action when necessary to ensure that building owners undertake rectification work(s) to improve fire safety of a building, which may include-
- Issuing, varying or lifting a Notice of Fire Safety Defect.
 - Issuing, varying or lifting a Notice of Building Work Required.
 - Issuing, varying or lifting a notice to prohibit the occupation or use of a building until a fire hazard no longer exists.

- Instigating prosecution and/or enforcement action when necessary, e.g. applying to the Environment, Resources and Development (ERD) Court to commence proceedings for an enforcement order to be issued.
- 6.9 The BFSC will monitor and record progress of rectification work and the ongoing fire safety of buildings in the out of council areas.
- 6.10 The BFSC will report annually to the State Planning Commission on the fire safety status of buildings in the out of council areas.
- 6.11 The BFSC will conduct their onsite inspections in accordance with the Planning, Land Use and Services Working Remote Policy (**Appendix E**).

Appendix A

PlanSA – Guide to Building Fire Safety Committees:



Council Building Fire Safety Committees

Guide

SEPTEMBER 2020



Government of South Australia
Attorney-General's Department

Attorney-General's Department

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Introduction

Local government councils play an important role in protecting the ongoing safety of building occupiers and users through the provisions of the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

Section 157 of the PDI Act establishes the power for a council to investigate whether building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers, whether they be residents and workers who use them regularly, or clients and visitors who only use them occasionally.

An appropriately qualified 'authorised officer' from a council or a member of a Building Fire Safety Committee, as an 'appropriate authority' under the PDI Act, can inspect existing buildings to check if the fire safety is adequate. If not, a Building Fire Safety Committee can take action to require the owner to upgrade the fire safety of the building to an appropriate level.

For the purposes of this Guide, the term 'Building Fire Safety Committee' means an 'appropriate authority' under section 157 of the PDI Act.

This guide is designed to -

- Assist councils and Building Fire Safety Committee members to understand their roles and responsibilities with regard to fire safety of existing buildings; and
- Outline suggested procedures and protocols that a Building Fire Safety Committee may follow.

Building Fire Safety Committee Protocols

What is the role of a Building Fire Safety Committee?

The role of a Building Fire Safety Committee includes -

- Developing appropriate building fire safety inspection policies for existing buildings based on the likely fire safety risks that could arise depending on the building use and occupant characteristics;
- Scrutinising the fire safety of buildings that have been identified as having fire safety provisions that are not adequate;
- Issuing of a notice to the building owner (where a Building Fire Safety Committee determines that the fire safety of a building is not adequate) identifying inadequacies that need to be addressed or rectified to an extent that will provide an adequate level of safety for the occupants;
- Forwarding information on any fire safety notices issued by the Building Fire Safety Committee to council administration for Section 7 enquiries (made by a vendor when a building is available for sale or lease - refer Appendix D);
- Where appropriate, negotiating a cost effective solution with a building owner that will reduce fire safety risks to an acceptable level and meet the required fire safety performance;
- Issuing notices that schedule rectification work that must be carried out in order to raise the building fire safety to an adequate level of safety or in high risk situations issuing notices that prohibit the occupation or use of a building until a fire hazard no longer exists;
- Initiating enforcement or other action to ensure a building owner complies with a section 157 notice; and
- Revoking or varying fire safety notices when appropriate.

How does Council establish a Building Fire Safety Committee?

The process for a council to establish a Building Fire Safety Committee is generally as follows -

1. Decide whether to have a stand-alone Building Fire Safety Committee to serve its council area, or to have an agreement with one or more adjoining councils to form a regional Building Fire Safety Committee;
2. Select and appoint appropriate Building Fire Safety Committee members;
3. Appoint the Building Fire Safety Committee under Section 157 of the PDI Act;
4. Note and support council inspection policies for building fire safety;
5. Appoint one or more appropriately qualified authorised officers, who may enter and inspect the fire safety of existing buildings; and
6. Provide administrative support to the Building Fire Safety Committee.

If a regional Building Fire Safety Committee is appointed, agreement will need to be reached on matters such as cost sharing arrangements for legal proceedings etc.

Who can be a member of a Building Fire Safety Committee?

A Building Fire Safety Committee is required to have at least 3 members, of whom-

- (a) One must be a person with prescribed qualifications in building surveying appointed by the council or councils;
- (b) One must be 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 or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the Building Fire Safety Committee; and
- (c) One must be a person with expertise in the area of fire safety appointed by the council or councils.

Councils have the option of appointing a fourth member to a Building Fire Safety Committee, who may be-

- (d) Any person the council or group of councils considers appropriate to nominate.

In relation to member (b) from the Fire Services, the council or group of councils will need to write to the Chief Officer relevant to its area of jurisdiction, asking that an officer be nominated for appointment to its Building Fire Safety Committee.

For areas under the jurisdiction of the Metropolitan Fire Services (MFS) contact -

The Chief Officer
SA Metropolitan Fire Service
GPO Box 98 ADELAIDE SA 5001
www.mfs.sa.gov.au

For areas under the jurisdiction of the Country Fire Services (CFS) contact -

The Chief Officer
SA Country Fire Service
GPO Box 2468 ADELAIDE SA 5001
www.cfs.sa.gov.au

For areas with dual jurisdiction (MFS and CFS), it would be advisable to contact both jurisdictions and ask that they collaborate with each other and nominate the most appropriate officer.

In relation to member (c), 'a person with expertise in the area of fire safety', this person would be expected to have significant practical and technical knowledge and experience in the principles of building fire safety, including (but not limited to) -

- Detection;
- Communication;
- Evacuation;
- Containment; and
- Extinguishment.

With regard to member (d), the Council has the option of appointing any person it considers appropriate under their particular circumstances. In some cases the Council may decide to appoint a fourth member on an as needs basis. For example, using a fire engineer or other expert to match knowledge with building types and complexity of fire safety issues.

The council may also specify a term of office of a member of a Building Fire Safety Committee.

Deputy members

Deputies can be appointed and it is recommended that a deputy for each member is nominated when the Building Fire Safety Committee is established to ensure that meetings are held at the appropriate times.

Conflict of interest

Under the PDI Act, a member of a 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 must not take part in any deliberations or decisions of the Building Fire Safety Committee in relation to that matter.

What policies and procedures need to be considered and/or established by a Building Fire Safety Committee?

Once established, a Building Fire Safety Committee will need to determine its procedures and protocols. These are likely to include -

- Where and how often it will meet;
- How many members constitute a quorum;
- Who will chair the meetings;
- Who will act as the minute secretary;
- How records are to be kept, filed and stored;
- What types/classes of buildings are to be scrutinised;
- Who the Council has appointed as authorised officer to undertake inspections;
- Procedures for Building Fire Safety Committee inspections;
- Appropriate formats for fire safety notices, correspondence etc;
- Procedures for issuing, varying and revoking notices; and
- Procedures for prosecutions/appeals.

Meeting procedures and protocols

A Building Fire Safety Committee will need to meet on a regular basis to consider and determine matters such as -

- Appropriate action to take following a fire safety inspection;
- Whether upgrading works outlined in a fire safety report submitted by an owner are appropriate;
- Negotiating and agreeing appropriate performance solutions with building owners;
- Issuing, varying or lifting fire safety notices;
- Monitoring progress and checking if owners are complying with fire safety notices; and
- Procedures for instigating prosecution and/or enforcement action.

The Building Fire Safety Committee may decide to meet monthly until it has had an opportunity to assess the particular needs of the area.

Quorum

It is recommended that for a 3-member Building Fire Safety Committee, two members should constitute a quorum and that one of those members be the Fire Services representative.

For a 4-member Building Fire Safety Committee, it is recommended that three members should constitute a quorum and that one of those members be the Fire Services representative.

Each Building Fire Safety Committee will need to determine what to do if a majority decision cannot be reached. Some options include-

- Provisions for one particular member (e.g. the Chair) to have a second or casting vote; or
- Deferral until a majority decision can be reached.

Chair

It is recommended that each Building Fire Safety Committee has a Chairperson to preside at meetings. It may be that member (a) who has building surveying qualifications would be the most appropriate person for this role, however, this is not mandatory. In the absence of the Chair, the Committee should appoint the next most appropriate person to preside at meetings.

Secretarial and administrative support

A council or group of councils may provide a staff member to act as secretary to the Building Fire Safety Committee, or the Building Fire Safety Committee may decide that one of its members will undertake this function.

Regardless of the administrative support, it is important that proper, accurate minutes and records be kept of Building Fire Safety Committee proceedings and actions, as they may later form the basis of -

- Legal proceedings should an appeal be made against a decision of the Building Fire Safety Committee; or
- A history of sites with recurrent issues over long periods of time.

Irrespective of who will take minutes, additional administrative support will need to be provided by council(s) to -

- Prepare and issue correspondence and notices;
- Co-ordinate information for Section 7 enquiries;
- Track progress of actions; and
- File, store and retrieve records.

[Refer to Appendix D for details of Section 7 statements and Appendix E for examples of standard letters that may be useful]

Specialist support

The Building Fire Safety Committee will need to check if the council(s) has appointed an appropriately qualified authorised officer to undertake fire safety inspections of buildings in its area, and if procedures are in place for forwarding fire safety reports to the Building Fire Safety Committee.

Inspection policy

Once appointed, a Building Fire Safety Committee will need to develop a broad policy that sets out the basis for undertaking building inspections for fire safety purposes. Inspections must be carried out at the request of the fire authority, but may also be carried out when -

- (a) A complaint is received;
- (b) On an audit basis; or
- (c) On a targeted high risk basis.

In determining its policy, a Building Fire Safety Committee should 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-

- Buildings that provide overnight accommodation for unrelated persons; or
- Buildings where large crowds congregate during operating hours, such as shops or assembly buildings might be identified as a high-risk priority.

When a Building Fire Safety Committee has determined its policy on buildings to be scrutinised, it would be good practice to have that policy noted by the elected council member..

A fire safety inspection policy also needs to address how the policy is to be monitored.

What does a Building Fire Safety Committee consider when assessing if the fire safety of an existing building is adequate?

If an authorised officer or a fire authority has inspected a building and considers the fire safety is not adequate, the Building Fire Safety Committee will then need to identify what features of the building make the fire safety inadequate. Section 157 of the PDI Act, sets out the priorities for assessing and upgrading the fire safety risks of an existing building (in order of priority) as-

- Firstly, a reasonable standard of fire safety for the occupiers of a building
- Secondly, the minimal spread of fire and smoke
- Thirdly, an acceptable fire-fighting environment,

in accordance with the fire safety objectives and performance criteria of the *Building Code*.

The fire safety of an existing building is not considered adequate if-

- (a) building occupants are not able to evacuate safely during a fire, due to-
 - (i) blocked or obstructed exits;
 - (ii) obstructions in exits and paths of travel to exits;
 - (iii) width of exits and paths of travel to exits are not adequate to cater for the number of occupants;
 - (iv) fire and/or smoke spreading to exits and evacuation routes through unprotected openings, damage to fire resisting building elements or lack of smoke control features;
 - (vi) fire hazards or excessive fire loads that could impede evacuation (which may include combustible floor coverings, ceilings, wall linings and wall claddings);
 - (vii) insufficient exits to cater for the number of occupants;
 - (viii) excessive travel distances to exits;
 - (ix) door hardware and/or direction of door swings in exits that are likely to impede safe evacuation;
 - (x) inadequate lighting is available for occupants to locate and use exits during an emergency;
 - (xi) no first attack fire-fighting facilities available for occupant use; or
 - (xii) building occupants will not receive adequate warning of a fire or other emergency to enable them to evacuate to a safe place;
- (b) occupants using exits and paths of travel to exits are not protected from the effects of smoke and fire (e.g. by fire resisting construction, by use of non-combustible materials, by use of materials that have low fire hazard properties, by use of a smoke control system or fire suppression system), and/or

- (c) the fire brigade cannot access or use existing fire services and equipment needed for fire-fighting operations and to assist safe evacuation.

When the fire safety of a building is not adequate, the role of a Building Fire Safety Committee is to work with the building owner to develop a cost effective solution that will make the fire safety of the building adequate.

Ministerial Building Standard MBS 001 – Upgrading health and safety in existing buildings outlines the general requirements for fire safety in existing buildings. Sections 301 to 331 of that Standard have performance requirements and deemed-to-satisfy provisions for fire safety in existing buildings and Appendix B4 of the Standard expands on the fire safety priorities required by the PDI Act, which are-

1. A reasonable standard of fire safety for the occupiers of a building

A reasonable standard of fire safety can be achieved where occupants are alerted to a fire in the building and are able to find and use exits and evacuation routes to evacuate to a safe place before being overcome by the effects of smoke or fire.

Safe evacuation can be achieved if-

- Occupants, particularly sleeping occupants, are alerted to a fire in the building as soon as possible;
- The number, dimensions, location, operation and visibility of exits and evacuation routes are sufficient to enable the number of occupants to evacuate safely;
- Occupants using exits and evacuation routes to evacuate are protected from the effects of smoke and/or fire during the time needed for safe evacuation; and
- The building will maintain structural stability for the period of time needed for building occupants to evacuate to a safe place before being overcome by smoke or fire.

Occupants can be protected during evacuation through the use of-

- non-combustible and/or fire or smoke resisting building elements where necessary to-
 - delay or prevent fire from damaging structural elements in exits and evacuation routes;
 - prevent smoke and/or fire spreading to exits and evacuation routes;
 - reduce travel distances and allow occupants more time to reach exits and evacuation routes;
 - contain or separate special fire hazards from exits and evacuation routes.
- additional exits to decrease travel times needed to reach an exit;
- fire extinguishers for occupants to use to undertake initial fire attack;
- fire hose reels where appropriate and available for occupants to use to undertake initial fire attack;
- fire hazard reduction strategies (eg reducing fire loads that could arise from storage of highly combustible materials or goods);
- early fire suppression systems such as sprinklers where appropriate to-
 - delay or prevent fire from damaging structural elements in exits and evacuation routes;
 - prevent smoke and/or fire spreading to exits and evacuation routes;
 - permit extended travel distances and still allow occupants time to reach exits and evacuation routes;
 - suppress a fire arising from an identified fire hazard;
- a smoke extraction system to keep smoke above a safe level within exits and evacuation routes.

2. Minimal spread of fire and smoke

Minimal spread of fire and smoke can be achieved if smoke and fire spread to evacuation routes is minimised to the extent necessary to enable occupants to reach exits and evacuation routes before being overcome by the effects of smoke or fire.

Smoke and fire spread can be minimised through the use of-

- fire or smoke resistant construction where necessary to-
 - delay or prevent fire from damaging structural elements in evacuation routes;
 - prevent smoke and/or fire spreading to and within evacuation routes, from one fire compartment to another, or from one storey to another storey;
 - allow occupants more time to use evacuation routes to reach exits.
- an early fire suppression sprinkler system where necessary to-
 - delay or prevent fire from damaging structural elements in evacuation routes;
 - reduce fire and/or smoke spreading within evacuation routes, from one fire compartment to another fire compartment, or from an identified fire hazard;
 - allow occupants more time to use evacuation routes to reach exits.
- a smoke extraction system to keep smoke above a safe level within evacuation routes, or from spreading from one fire compartment to another fire compartment.
- early fire brigade intervention where fire-fighting facilities are available and where the building or occupant characteristics are such that they need to rely on fire brigade intervention for safe evacuation.

3. An acceptable fire-fighting environment

An acceptable fire-fighting environment can be achieved if the fire brigade is able to safely access and use facilities needed for its fire-fighting operations.

Safe access and facilities needed for fire-fighting operations may include-

- Where provided, a fire hydrant system or other water supply system for fire-fighting purposes that is suitable for use by the fire brigade
- Where provided, fire monitoring connections to the fire brigade are working as required
- Where provided, a fire control centre/room is protected from fire/smoke spread and has working equipment suitable for use by the fire brigade for its fire-fighting operations
- The building maintaining structural stability and resisting the spread of fire and smoke to the extent necessary for the fire brigade to safely access and use facilities provided for its fire-fighting operations.

Issuing of Notices

A Council Building Fire Safety Committee can serve a notice under section 157(3) of the PDI Act on the owner of the building (in a form similar to the Notice of Fire Safety Defect as provided in Appendix A of this Standard) if it believes that the fire safety of a building is not adequate.

It is advisable for a Building Fire Safety Committee to inspect a building before issuing a Section 157(3) notice so that it can make better informed decisions regarding the fire safety adequacy and extent of upgrading work it may require.

Before undertaking an inspection, the Building Fire Safety Committee should advise the building owner in writing of its intention to do so, to give the owner the opportunity to be present during the inspection.

Under the PDI Act, the Building Fire Safety Committee can authorise the following fire safety notices to be served on a building owner -

- Section 157(3) Notice of Fire Safety Defect; and
- Section 157(7) Notice of Building Work or Other Actions Required.

In order to reduce exposure to criticism or legal challenge it would be advisable to have at least two members of a Building Fire Safety Committee sign notices issued under Section 157 of the PDI Act.

It may also be appropriate to seek legal advice regarding any notices before they are issued to ensure technical and procedural soundness and avoid exposure to actions in relation to due process.

The Building Fire Safety Committee can vary or revoke a fire safety notice at any time if it is satisfied that it is appropriate to do so. For example, the Building Fire Safety Committee should revoke a Notice of Building Work or Other Actions Required once it is satisfied that the prescribed works scheduled in the notice have been completed.

Both the building owner and the council administration responsible for providing information for Section 7 enquiries must be notified of any change to a fire safety notice.

Why are Fire Safety Notices issued and what should they include?

Section 157(3) Notice of Fire Safety Defect

A Notice of Fire Safety Defect (as issued under section 157(3) of the PDI Act) is issued to alert the building owner that the building fire safety is not considered adequate, and that certain work needs to be undertaken to rectify the situation.

The PDI Act stipulates that such a notice may require -

- The owner to report to the Building Fire Safety Committee on building work or other measures necessary to ensure that the fire safety of the building is adequate; or
- In the case of an emergency, require the owner to carry out a program of work, or other measures to overcome any fire hazard, which may include evacuation of the building or part of a building until the Building Fire Safety Committee is satisfied that the fire hazard no longer exists.

A list of building fire safety matters that the Building Fire Safety Committee considers are not adequate may be attached as a schedule to the Notice of Fire Safety Defect. The maximum amount of time allowed for an owner to report to council (as required by a Notice of Fire Safety Defect) is two months unless the Building Fire Safety Committee specifically agrees to a longer period. During this time the building owner can make representations to the Building Fire Safety Committee about the fire safety of the building and work or other measures to be carried out.

The Notice of Fire Safety Defect should also inform the owner of his/her right to appeal within 14 days to the Environment, Resources and Development (ERD) Court if he or she disputes anything in the notice or schedule.

A suggested format for a Section 157(3) Notice of Fire Safety Defect can be found in Appendix A.

Information regarding fire safety notices must be declared by the council if a Section 7 enquiry is made to the council. *[Refer to Appendix D]*

Section 157(7) Notice of Building Work or Other Actions Required

A Notice of Building Work or Other Actions Required (as issued under section 157(7) of the PDI Act) is issued to require a building owner to undertake appropriate upgrading work to rectify the fire safety of the building.

The PDI Act stipulates that such a notice may -

- Require the owner to seek development authorisation to carry out a program of work or other measures to make the fire safety of the building or structure adequate; or
- Prohibit occupation of the building, or part of the building, until the Building Fire Safety Committee is satisfied that the fire hazard no longer exists.

Ministerial Building Standard MBS001 – Upgrading health and safety in existing buildings provides performance requirements and deemed-to-satisfy provisions for achieving acceptable levels of fire safety in existing buildings, against which a program of work or other proposed measures can be assessed.

In addition, a schedule detailing the program of work or other measures to be undertaken must be attached as a schedule to a section 157(7) Notice of Building Work or Other Actions Required.

A section 157(7) Notice of Building Work or Other Actions Required must also stipulate a period of time in which the prescribed works are to be completed. The specified time period may include time for the owner to obtain development approval (if required).

It is recommended that when issuing a section 157(7) Notice of Building Work or Other Actions Required, the Building Fire Safety Committee informs the owner of the right to appeal within 14 days to the ERD Court if they disputes anything in the notice or schedule.

A suggested format for a section 157(7) Notice of Building Work or Other Actions Required is included in Appendix B.

Information regarding fire safety notices must be declared by the council in Section 7 statements. *[Refer to Appendix D]*

Prescribed building work

When determining what work is appropriate to include in a schedule or program of prescribed building work (forming part of a section 157(7) Notice of Building Work or Other Actions Required), it is recommended that the Building Fire Safety Committee take a performance approach and take the following into consideration-

- Any representation made by the building owner;
- Any report/s submitted by the building owner;
- Any risk analysis undertaken of the building by the building owner;
- Any action plans previously prepared by the building owner to eliminate or minimise identified risks at the earliest opportunity, including those identified by the Building Fire Safety Committee; and
- The possible staging of the work to minimise possible financial hardship for the building owner.

Staged works

A Building Fire Safety Committee may allow an owner to undertake fire safety rectification work in stages, provided that the agreed program of work eliminates or minimises risks that threaten the life safety of occupants as a first priority.

Staging the works can reduce the cost burden for an owner to a manageable level. It may also be useful in cases where the building owner elects to take the opportunity to progressively upgrade the whole building to meet current Building Code requirements (i.e. over and above the elimination of urgent high priority risks).

What rights and obligations does a building owner have in relation to actions by a Building Fire Safety Committee?

Fire safety notices

A building owner served with a Section 157(3) Notice of Fire Safety Defect has two months (or a longer period if a time extension is negotiated with the Building Fire Safety Committee) in which to develop an appropriate upgrading proposal and report to the Building Fire Safety Committee on work or measures proposed to be undertaken to make the fire safety of the building adequate.

A building owner can -

- During that period make representations to the Building Fire Safety Committee about the fire safety of the building and the work or other measures that need to be carried out;
- Apply to the Building Fire Safety Committee at any stage to have a fire safety notice varied or revoked; or
- Appeal to the ERD Court against the service of a notice under Division 6 of the PDI Act.

An owner must comply with a fire safety notice or risk prosecution and/or enforcement action through the ERD Court.

On completion of any work required by a fire safety notice, the owner must notify the Building Fire Safety Committee in writing that the work has been completed.

Appeals with the ERD Court

Appeals are lodged with and determined by the ERD Court.

An appeal must be lodged within 14 days after a notice is given unless the Court allows longer time.

The operation of a fire safety notice is not suspended pending the determination of an appeal, unless the ERD Court orders otherwise.

To initiate an appeal the applicant must -

- Submit a notice of appeal with the ERD Court; and
- Pay the prescribed fee.

A notice of appeal must be in writing, in a form determined by the ERD Court, setting out the grounds of the appeal, with a copy of the disputed notice attached.

The Building Fire Safety Committee may only become aware of the appeal when the notice of appeal is served on them by the ERD Court.

What does a Building Fire Safety Committee do if a building owner fails to comply with a notice?

If a building owner fails to comply with a notice, the Building Fire Safety Committee can apply to the ERD Court for an enforcement order, and/or apply for a summons to be issued for the defendant to appear at a prosecution hearing (both procedures can run concurrently).

Prosecution

A building owner is guilty of an offence if he/she contravenes or fails to comply with a fire safety notice. The maximum penalties are -

- Failure to comply with a notice under section 157(4)(b) or 157(7) is an offence with a maximum penalty of \$20,000 and a default penalty of \$200 (payable for every day that the owner continues to fail to comply).
- A maximum penalty of \$2500 applies for-
 - failure to comply with a notice and provide a report within 2 months to the Building Fire Safety Committee as required under section 157(4)(a) of the PDI Act; and
 - failure to notify the Building Fire Safety Committee that the work has been completed as required under section 157(8) of the PDI Act.

Offences under the PDI Act lie within the criminal jurisdiction of the ERD Court. A prosecution may be commenced within 3 years after the date of the alleged offence or at a later date with the authorisation of the Attorney General.

With any ERD Court activities the Building Fire Safety Committee must provide reasonable information to the Court as to the nature of the charge including a statement of the specific offence with reference to the relevant section of the PDI Act.

A summons for appearance of defendant (in duplicate) will -

- Be directed to the defendant charged by the information;
- State shortly the matter charged; and
- Require the defendant to appear before the Court at a specified time and place to answer the charge.

Enforcement of notices

The Building Fire Safety Committee may apply to the ERD Court for an order to remedy or restrain a breach of the PDI Act.

If the Court is satisfied on the balance of probabilities that the respondent has breached the PDI Act, the Court may make an order requiring the respondent to comply with the order or take any other action as the Court thinks fit under the circumstances. This can include ordering the respondent to pay penalties for failing to comply with a notice as prescribed in the regulations.

Application to Court for an enforcement order

A Building Fire Safety Committee can commence proceedings for an enforcement order by filing the following documents with the ERD Court -

- (a) An application seeking leave to serve a summons;
- (b) The summons in respect of which leave is sought;
- (c) One or more supporting affidavits; and
- (d) Where the applicant brings the proceedings in a representative capacity, a memorandum.

Every application must -

- Be in writing and give the full name of the applicant;
- Identify the person or persons on whom it is sought to serve the summons;
- Specify the address for service of the applicant and, if available, the telephone and facsimile numbers of the applicant; and
- Be signed by the applicant, or on his or her behalf by a solicitor, agent or other representative.

Every summons must be in a format prescribed by the ERD Court Rules. An example of a summons is given in Appendix C.

Every accompanying affidavit must set out -

- The facts and circumstances upon which the applicant relies; and
- The name, address, telephone and facsimile numbers of any person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land the subject of the application.

Every memorandum must specify all the people or organisations upon behalf of whom or which the proceedings are brought and signed by all the people or organisations in such manner as shows that all the people or organisations consent to the proceedings being brought on their behalf.

Leave to serve a summons

On hearing an application to serve a summons, the ERD Court may refuse to grant the application or amend or strike out part of the summons.

If leave is granted by the Court to serve a summons it must be issued within one month of the leave being granted, and once issued it remains in force for three months unless the Court extends such period.

As soon as is reasonably practicable after a summons and accompanying affidavits have been served, the applicant must file an affidavit verifying such service.

Non Compliance with Court order

A person who fails to comply with a Court order shall be guilty of contempt of Court and be liable to imprisonment or a fine or both.

Appendix A

Example of a Section 157(3) Notice of Fire Safety Defect

Section 157(3) NOTICE OF FIRE SAFETY DEFECT

In the matter of the *Planning, Development and Infrastructure Act 2016* and the premises situated at *[insert name and location of premises]*

TO: The Owner/s

[Insert name of premises]

c/-*[Insert name of owner's representative]*

[Insert postal address of owner's representative]

TAKE NOTICE that whereas the *[insert name of council or council region]* Building Fire Safety Committee (hereinafter referred to as 'the Committee') or an authorised officer of the council has inspected the building situated at *[insert location details of premises]*;

TAKE NOTICE that the said Committee is satisfied that the fire safety of the building so inspected is not adequate and, pursuant to Section 157(3), (4) and (5) of the said *Planning, Development and Infrastructure Act 2016*, hereby gives notice that you are required to report within two months to the Committee on the work or other measures necessary to ensure that the fire safety of the building is adequate.

PURSUANT TO the provisions of Section 157(6) of the said *Planning, Development and Infrastructure Act 2016* you may, during the period of two months commencing upon the date of issue of this notice, make representations to the Committee about the fire safety of the building and the work or other measures to be carried out or taken.

PURSUANT TO the provisions of Section 157(10) of the said *Planning, Development and Infrastructure Act 2016*, if you dispute the propriety of any requisition contained in this notice, you have 14 days in which to lodge an appeal with a registry of the Environment, Resources and Development Court.

Dated atthisday ofin the year two thousand and

CHAIR:

MEMBER:

MEMBER:

Appendix B

Example of Section 157(7) Notice of Building Work or Other Actions Required

SECTION 157(7) NOTICE OF BUILDING WORK OR OTHER ACTIONS REQUIRED

In the matter of the *Planning, Development and Infrastructure Act 2016* and the premises situated at *[insert name and location of premises]*

TO: The Owner/s

[Insert name of premises]

c/- *[Insert name of owner's representative]*

[Insert postal address of owner's representative]

TAKE NOTICE that whereas the *[insert name of council or council region]* Building Fire Safety Committee (hereinafter referred to as 'the Committee') did, by notice dated *[insert relevant date]* advise that it considered that the fire safety of the building situated at *[insert location details of premises]*, was not adequate, and required you to report to the Committee on the work or other measures necessary to ensure that the fire safety of the building is adequate; and

TAKE NOTICE that during the period of two months, commencing upon the date of issue of the said notice, such representations as were made on your behalf were considered by the Committee, now therefore

TAKE NOTICE that pursuant to the provisions of Section 157(7) of the said *Planning, Development and Infrastructure Act 2016*, the Committee hereby gives you notice of building work or other measures, which it requires you to carry out within *[insert appropriate period of time]* from the date of issue of this notice. The building work or other measures required are set out in the attached schedule.

The building work required is to be completed in the following stages-

Stage 1 *[insert date by which stage 1 must be completed]*

Stage 2 *[insert date by which stage 2 must be completed]*

Stage 3 *[insert date by which stage 3 must be completed]*

Before commencing any building work you are required to obtain a development approval from the council. Time has been allowed in the program of work for obtaining development approval.

PURSUANT TO the provisions of Section 157(10) of the said *Planning, Development and Infrastructure Act 2016*, if you dispute the propriety of any requisition contained in this notice, you have 14 days in which to lodge an appeal with a registry of the Environment, Resources and Development Court.

Dated at.....thisday of.....in the year two thousand and.....

CHAIR:

MEMBER:

MEMBER:

Appendix C

Information required in an application to the ERD Court to serve a summons:

<p>SOUTH AUSTRALIA FDN IN THE ENVIRONMENT, RESOURCES & DEVELOPMENT COURT No of 20..... BETWEEN Applicant -and- Respondent</p> <hr/> <p style="text-align: center;">SUMMONS</p> <hr/> <p>Summons issued at the request of the Applicant <i>(Name of applicant)</i> Solicitor for the Applicant: <i>(Law firm's name)</i> <i>(Law firm's address)</i> <i>(Telephone)</i> <i>(Email)</i> Date of filing: Summons issued at the request of the Applicant, <i>(Name of applicant)</i> of <i>(Address)</i>, South Australia. To: <i>(Name of Responder)</i> of <i>(Address)</i></p> <p><i>[Set out text of relevant judgment/order] [If applicable specify grounds in successively marked and numbered paragraph]</i> <i>[Set out relief sought in successively numbered paragraphs]</i></p> <p>The facts upon which the applicant relies are set out in the affidavit of <i>(Name of the person on the Affidavit)</i> served with this Summons.</p> <p>If you wish to be heard or to oppose the making of any of these orders, you or your solicitor must file a Notice of Address for Service within 14 days after service of this Summons on you. This Notice of Address for Service must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. If a Notice of Address for Service is not filed within the time stated, orders may be made against you in your absence.</p> <p>DATED the day of</p> <p>This summons remains in force for three months only after its date of issue unless it has been extended by order of the Court.</p> <p style="text-align: right;">..... Registrar</p>

Appendix D

Land and Business (Sale and Conveyancing) Act 1994 - Section 7 enquiry

Under Section 12 of the *Land and Business (Sale and Conveyancing) Act 1994*, if a council receives a Section 7 enquiry from a vendor, requesting information regarding any charge or prescribed encumbrance over land within the council area, or regarding insurance under Division 3 of Part 5 of the *Building Work Contractors Act 1995*, the council must provide the information to the applicant within eight clear business days after receiving the request.

Form 1 of Schedule 1 of the *Land and Business (Sale and Conveyancing) Regulations 2010* lists information relating to property and land for sale that must be provided by a council to the vendor for inclusion in a Section 7 statement provided to the purchaser, which includes -

4.10 Fire safety notice under section 157 of the *Planning, Development and Infrastructure Act 2016*.

Date of notice:

Name of authority giving notice:

Requirements of notice:

Building work (if any) required to be carried out:

[attach in a schedule if appropriate]

Amount payable (if any):

4.13 Proceedings under Division 1 of Part 16 (disputes, reviews and appeals) of the *Planning, Development and Infrastructure Act 2016*.

Date of commencement of proceedings:

Date of determination or order (if any):

Terms of determination or order (if any):

Appendix E

Standard Letters

1. Letter to owner that the Building Fire Safety Committee wishes to inspect premises

Date

[Insert name of property owner] [Insert name of property]

[Insert postal address for property owner]

Dear Sir/Madam

[Insert property name, and property location] – **Building Fire Safety Inspection**

[Insert as appropriate - 'an authorised officer from the council' or 'an authorised officer from the Fire Services'] has inspected the fire safety of the above premises and reported to the *[insert name of council or regional council area]* Building Fire Safety Committee that the fire safety of the building is not considered adequate to protect the safety of the occupants should a fire occur in the building.

Where the fire safety of a building is not considered adequate, a Building Fire Safety Committee is empowered under Section 157 of the *Planning, Development and Infrastructure Act 2016* to serve notice on the building owner requiring the owner to undertake actions to improve the fire safety to an adequate level.

Before serving any such notice, the Building Fire Safety Committee wishes to undertake its own inspection of fire safety of the above premises. Could you please contact *[insert details]* on *[insert details]* to arrange a convenient time for this inspection.

Yours sincerely

[Insert name of Chairperson]

CHAIR

BUILDING FIRE SAFETY COMMITTEE

[Insert name of council or regional council area]

2. Letter associated with issuing a Section 157(3) Notice of Fire Safety Defect

Date

*[Insert name of property owner] [Insert name of property]
[Insert postal address for property owner]*

Dear Sir/Madam

[Insert property name, and property location] – **Building Fire Safety**

The *[insert name of council or regional council area]* Building Fire Safety Committee inspected the fire safety of the above premises on *[insert date]*. The Building Fire Safety Committee determined that the fire safety of the building is not adequate to protect the safety of the occupants should a fire occur in the building.

Where the fire safety of a building is not considered adequate, a Building Fire Safety Committee is empowered under Section 157 of the *Planning, Development and Infrastructure Act 2016* to serve notice on the building owner requiring the owner to undertake actions to improve the fire safety to an adequate level.

The *[insert name of council or regional council area]* Building Fire Safety Committee met on *[insert date]* to consider appropriate action. In this case the Building Fire Safety Committee resolved to serve you with the attached Section 157(3) Notice of Fire Safety Defect.

This notice requires you to report within two months to the Building Fire Safety Committee on the work or other measures necessary to ensure that the fire safety of the building is made adequate. During that period, you may make representation(s) to the Building Fire Safety Committee about the fire safety of the building and the work or other measures to be carried out.

If you dispute any of the details of this notice, you have 14 days in which to lodge an appeal with the Registrar of the Environment, Resources and Development Court. For more information contact the Court administration on 8204 0289 or by email at erdcourt@courts.sa.gov.au

Yours sincerely

[Insert name of Chairperson]

CHAIR
BUILDING FIRE SAFETY COMMITTEE
[Insert name of council or regional council area]

3. Letter associated with issuing a Section 157(7) Notice of Building Work or Other Actions Required

Date

[Insert name of property owner] [Insert name of property]

[Insert postal address for property owner]

Dear Sir/Madam

[Insert property name, and property location] – **Building Fire Safety Notice**

In accordance with the *Planning, Development and Infrastructure Act 2016*, a Section 157(3) Notice of Fire Safety Defect was issued on the above premises on *[insert date]*. The notice required that you report to the Building Fire Safety Committee on work or other measures necessary to ensure that the fire safety of the building is made adequate.

Following an inspection of the above premises on *[insert date]* the *[insert name of council or regional council area]* Building Fire Safety Committee met on *[insert date]* to consider appropriate action. The Building Fire Safety Committee has considered all reports or representations made by you, or on your behalf, in relation to the fire safety of these premises, and has resolved to serve you with the attached Section 157(7) Notice of Building Work or Other Actions Required. This notice requires you to undertake the scheduled building work within the time prescribed, to ensure that the fire safety of the building is made adequate.

If you dispute any of the details of this notice, you have 14 days in which to lodge an appeal with the Registrar of the Environment, Resources and Development Court. For more information contact the Court administration on 8204 0289 or by email at erdcourt@courts.sa.gov.au.

Yours sincerely

[Insert name of Chairperson]

CHAIR
BUILDING FIRE SAFETY COMMITTEE

[Insert name of council or regional council area]

Appendix B

Extract from the Planning, Development and Infrastructure Act 2016:

157—Fire safety

- (1) An authorised officer who holds prescribed qualifications or a member of an appropriate authority may, at any reasonable time, enter and inspect any building for the purpose of determining whether the fire safety of a building is adequate.
- (2) An authorised officer who holds prescribed qualifications must conduct an inspection of a building under subsection (1) at the request of an appropriate authority or a fire authority.
- (3) If an appropriate authority is satisfied that the fire safety of a building is not adequate, the appropriate authority may cause a notice to be served on the owner of the building.
- (4) A notice under subsection (3) may—
 - (a) Require the owner to report to the appropriate authority on the work or other measures necessary to ensure that the fire safety of the building is adequate; or
 - (b) In the case of an emergency—
 - (i) Require the owner to carry out a program of work, or to take any other measure, to overcome any fire hazard; or
 - (ii) Require the evacuation of the building; or
 - (iii) Prohibit the occupation or use of the building or a part of the building until the appropriate authority is satisfied that the fire hazard no longer exists; or
 - (iv) Require the owner to take such other action prescribed by the regulations.
- (5) A report under subsection (4)(a) must be provided to the appropriate authority within 2 months, or within such longer period as the appropriate authority may allow.
Maximum penalty: \$2 500.
- (6) The owner may, during the period referred to in subsection (5), make representations to the appropriate authority about the fire safety of the building and the work or other measures to be carried out or taken.
- (7) An appropriate authority may, after receiving a report under subsection (4) (or, in the event of a failure to provide a report in accordance with this section), by notice given to the owner of the building—
 - (a) Require the owner to seek an appropriate development authorisation under this Act and, if granted, to carry out a program 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 appropriate authority is satisfied that any fire hazard no longer exists; or
 - (c) Require the owner to take such other action prescribed by the regulations.
- (8) On completion of any work required to be carried out by a notice under this section, the owner must notify the appropriate authority in writing.
Maximum penalty: \$2 500.

- (9) An appropriate authority may, at the request of the owner, vary a notice under this section or may, on its own initiative, revoke a notice if satisfied that it is appropriate to do so.
- (10) An appeal against a notice under this section must be commenced within 14 days after the notice is given unless the Court allows longer time for the commencement of the appeal.
- (11) Subject to any order of the Court to the contrary, the operation of a notice under this section is not suspended pending the determination of an appeal.
- (12) A person who contravenes or fails to comply with a notice under subsection (4)(b) or (7) is guilty of an offence.
Maximum penalty: \$20 000.
Default penalty: \$200.
- (13) This section does not authorise any action inconsistent with the *Heritage Places Act 1993* or a provision of the Planning and Design Code that relates to heritage.
- (14) Any action taken under this section should seek to achieve (in the following order of priority)—
- (a) Firstly, a reasonable standard of fire safety for the occupiers of the relevant building;
 - (b) Secondly, the minimal spread of fire and smoke;
 - (c) Thirdly, an acceptable fire fighting environment.
- (15) No matter or thing done or omitted to be done by an appropriate authority in good faith in connection with the operation of this section subjects the authority to any liability.
- (16) For the purposes of this section, an **appropriate authority** is a body established by a council, or by 2 or more councils, under subsection (17) and designated by the council or councils as an appropriate authority under this section.
- (17) The following provisions apply with respect to the establishment of an appropriate authority:
- (a) The appropriate authority will be constituted of—
 - (i) A person who holds prescribed qualifications in building surveying appointed by the council or councils; and
 - (ii) 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 or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
 - (iii) A person with expertise in the area of fire safety appointed by the council or councils; and
 - (iv) If so determined by the council or councils—a person selected by the council or councils;
 - (b) The council or councils may specify a term of office of a member of the appropriate authority (other than a member under paragraph (a)(ii));
 - (c) The office of a member of the appropriate authority (other than a member under paragraph (a)(ii)) 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 councils; or

- (iv) Is removed from office by the council or councils for any reasonable cause;
 - (d) Deputy members may be appointed;
 - (e) Subject to a determination of the council or councils—the appropriate authority may determine its own procedures (including as to quorum).
- (18) A member of an appropriate authority who has a personal interest or a direct or indirect pecuniary interest in any matter before the appropriate authority (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.

Appendix C

What the BFSC will consider when assessing if the fire safety of a building is adequate.

If an authorised officer or a fire authority has inspected a building and considers the fire safety is not adequate, the Building Fire Safety Committee will then need to identify what features of the building make the fire safety inadequate. Section 157 of the PDI Act, sets out the priorities for assessing and upgrading the fire safety risks of an existing building (in order of priority) as-

- Firstly, a reasonable standard of fire safety for the occupiers of a building
- Secondly, the minimal spread of fire and smoke
- Thirdly, an acceptable fire-fighting environment,

in accordance with the fire safety objectives and performance criteria of the Building Code.

The fire safety of an existing building is not considered adequate if-

- (a) Building occupants are not able to evacuate safely during a fire, due to-
 - (i) Blocked or obstructed exits;
 - (ii) Obstructions in exits and paths of travel to exits;
 - (iii) Width of exits and paths of travel to exits are not adequate to cater for the number of occupants;
 - (iv) Fire and/or smoke spreading to exits and evacuation routes through unprotected openings, damage to fire resisting building elements or lack of smoke control features;
 - (vi) Fire hazards or excessive fire loads that could impede evacuation (which may include combustible floor coverings, ceilings, wall linings and wall claddings);
 - (vii) Insufficient exits to cater for the number of occupants;
 - (viii) Excessive travel distances to exits;
 - (ix) Door hardware and/or direction of door swings in exits that are likely to impede safe evacuation;
 - (x) Inadequate lighting is available for occupants to locate and use exits during an emergency;
 - (xi) No first attack fire-fighting facilities available for occupant use; or
 - (xii) Building occupants will not receive adequate warning of a fire or other emergency to enable them to evacuate to a safe place;
- (b) Occupants using exits and paths of travel to exits are not protected from the effects of smoke and fire (e.g. by fire resisting construction, by use of non-combustible materials, by use of materials that have low fire hazard properties, by use of a smoke control system or fire suppression system), and/or
- (c) The fire brigade cannot access or use existing fire services and equipment needed for fire-fighting operations and to assist safe evacuation.

When the fire safety of a building is not adequate, the role of a Building Fire Safety Committee is to work with the building owner to develop a cost effective solution that will make the fire safety of the building adequate.

Ministerial Building Standard MBS 001 – Upgrading health and safety in existing buildings outlines the general requirements for fire safety in existing buildings. Sections 301 to 331 of that Standard have performance requirements and deemed-to-satisfy provisions for fire safety in existing buildings and Appendix B4 of the Standard expands on the fire safety priorities required by the PDI Act, which are-

1. A reasonable standard of fire safety for the occupiers of a building

A reasonable standard of fire safety can be achieved where occupants are alerted to a fire in the building and are able to find and use exits and evacuation routes to evacuate to a safe place before being overcome by the effects of smoke or fire.

Safe evacuation can be achieved if-

- Occupants, particularly sleeping occupants, are alerted to a fire in the building as soon as possible;
- The number, dimensions, location, operation and visibility of exits and evacuation routes are sufficient to enable the number of occupants to evacuate safely;
- Occupants using exits and evacuation routes to evacuate are protected from the effects of smoke and/or fire during the time needed for safe evacuation; and
- The building will maintain structural stability for the period of time needed for building occupants to evacuate to a safe place before being overcome by smoke or fire.

Occupants can be protected during evacuation through the use of-

- Non-combustible and/or fire or smoke resisting building elements where necessary to-
- Delay or prevent fire from damaging structural elements in exits and evacuation routes;
- Prevent smoke and/or fire spreading to exits and evacuation routes;
- Reduce travel distances and allow occupants more time to reach exits and evacuation routes;
- Contain or separate special fire hazards from exits and evacuation routes.
- Additional exits to decrease travel times needed to reach an exit;
- Fire extinguishers for occupants to use to undertake initial fire attack;
- Fire hose reels where appropriate and available for occupants to use to undertake initial fire attack;
- Fire hazard reduction strategies (e.g. reducing fire loads that could arise from storage of highly combustible materials or goods);
- Early fire suppression systems such as sprinklers where appropriate to-
- Delay or prevent fire from damaging structural elements in exits and evacuation routes;
- Prevent smoke and/or fire spreading to exits and evacuation routes;
- Permit extended travel distances and still allow occupants time to reach exits and evacuation routes;
- Suppress a fire arising from an identified fire hazard;
- A smoke extraction system to keep smoke above a safe level within exits and evacuation routes.

2. Minimal spread of fire and smoke

Minimal spread of fire and smoke can be achieved if smoke and fire spread to evacuation routes is minimised to the extent necessary to enable occupants to reach exits and evacuation routes before being overcome by the effects of smoke or fire.

Smoke and fire spread can be minimised through the use of-

- Fire or smoke resistant construction where necessary to-
- Delay or prevent fire from damaging structural elements in evacuation routes;
- Prevent smoke and/or fire spreading to and within evacuation routes, from one fire compartment to another, or from one storey to another storey;
- Allow occupants more time to use evacuation routes to reach exits.
- An early fire suppression sprinkler system where necessary to–
Delay or prevent fire from damaging structural elements in evacuation routes;
Reduce fire and/or smoke spreading within evacuation routes, from one fire compartment to another fire compartment, or from an identified fire hazard;
Allow occupants more time to use evacuation routes to reach exits.
- A smoke extraction system to keep smoke above a safe level within evacuation routes, or from spreading from one fire compartment to another fire compartment.
- Early fire brigade intervention where fire-fighting facilities are available and where the building or occupant characteristics are such that they need to rely on fire brigade intervention for safe evacuation.

3. An acceptable fire-fighting environment

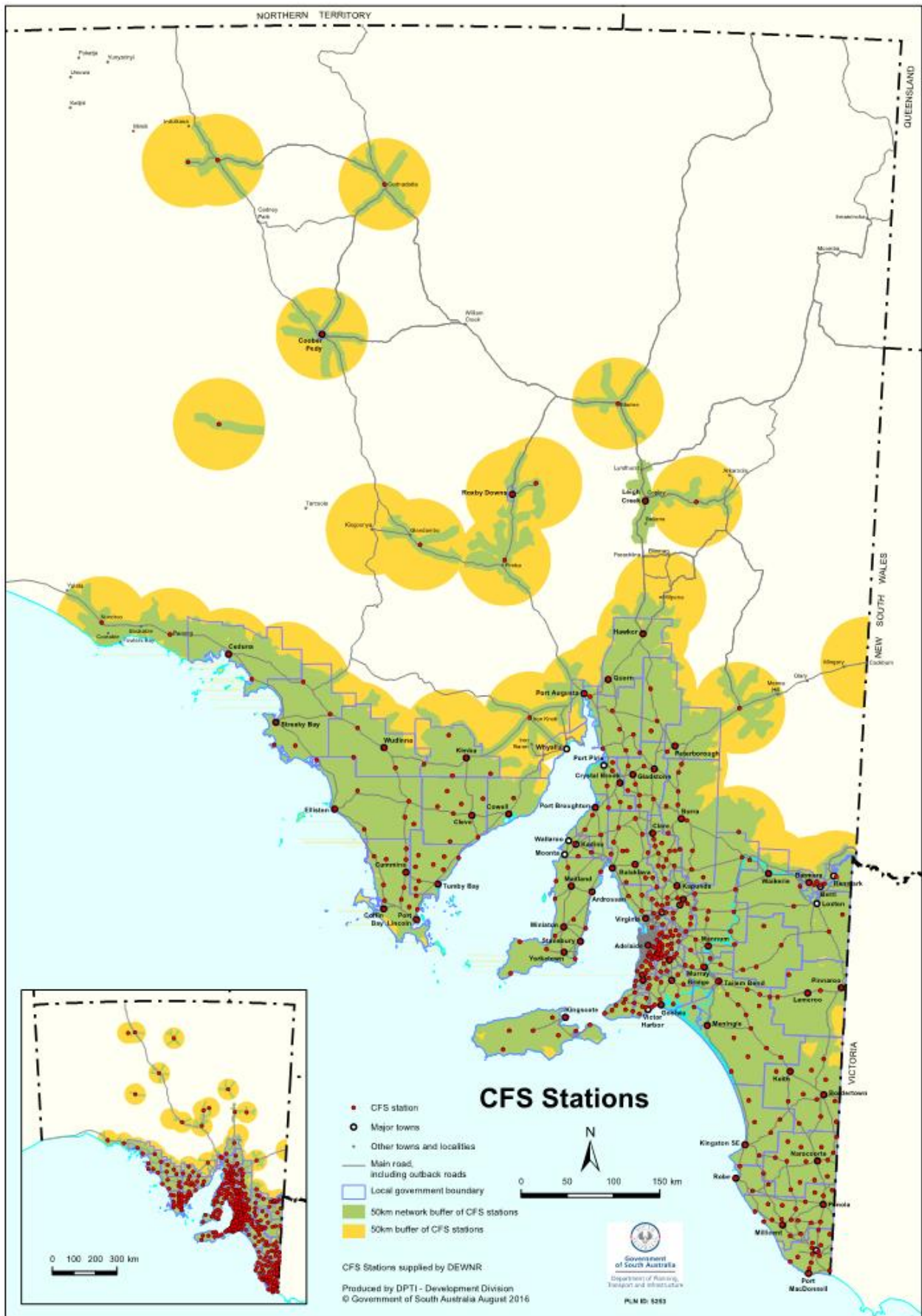
An acceptable fire-fighting environment can be achieved if the fire brigade is able to safely access and use facilities needed for its fire-fighting operations.

Safe access and facilities needed for fire-fighting operations may include-

- Where provided, a fire hydrant system or other water supply system for fire-fighting purposes that is suitable for use by the fire brigade
 - Where provided, fire monitoring connections to the fire brigade are working as required
 - Where provided, a fire control centre/room is protected from fire/smoke spread and has working equipment suitable for use by the fire brigade for its fire-fighting operations
 - The building maintaining structural stability and resisting the spread of fire and smoke to the extent necessary for the fire brigade to safely access and use facilities provided for its fire-fighting operations.
-

Appendix D

Map of Out of Council Area boundaries



Appendix E

Safe Work Procedure – Remote Area Work & Travel

Building Policy Unit

Safe Work Procedure

Remote Area Work & Travel



This procedure shall be read in conjunction with the DPTI Policies DP052 WHS&W Remote & Isolated Work Policy ([KNet #1866011](#)), DP054 WHS&W Driving Policy ([KNet#1974876](#)), DP087 Use of Vehicle Policy ([KNet#2006243](#)) and DP099 Safer Vehicle Leasing Policy ([KNet # 2456368](#)), [SAFA – Fleet SA guidelines](#), Catastrophic Fire Danger Rating Days Safe Work Procedure ([KNet#8011563](#)) and Fleetminder Online Vehicle Tracker Operational Guideline ([KNet#10637104](#))

1. PURPOSE

This document details the procedure for all Building Policy staff to follow when travelling to, and working in, a remote area and when undertaking search and rescue operations.

Remote or isolated work refers to situations where people may be exposed to risks because the nature or location of their work means they would be unable to readily summon assistance in the event of injury, illness, violence or other emergency at work.

2. DEFINITIONS

“Assistance” is aimed at ensuring that rescue, medical assistance and attendance of emergency service workers is provided to all workers at a workplace

“Emergency” is any situation where the potential for injury, threat to life or severe damage to property is imminent

“Off-Road” is any location other than a major or minor sealed road

“Remote Area” means situations where employees, whilst working alone or in small teams, or from a single vehicle, may be exposed to risks because the nature or location of the work does not allow assistance to be readily summoned in the event of illness, injury, violence or other emergency. It may include work in urban, rural and regional areas.

For example:

- Working outside of the urban and agricultural areas
- Working in a location more than two hours walk from practical assistance from an adult
- Working in an area where normal mobile communications are not (or may not be) available
- Working where road access is by a road carrying very low volume traffic
- Any site nominated by the Manager as being a ‘Remote Area’

3. POLICY STATEMENT

Building Policy Unit has reviewed their operations to identify and list any work that falls under the definition of remote area work.

This document aims to assist in identifying remote or isolated work and provide an assessment of operations that should be undertaken. Further, each work unit may add a schedule of requirements specific to their operation including further consideration of the following:

- Isolation of the work from population centres and emergency services
- Accessibility to a reliable telecommunications service
- How often the work needs to be done
- What are the other hazards and have they been assessed and controlled
- The employee's skills, experience and training
- The amount of out of core hours or night work involved

4. REQUIREMENTS WHEN TRAVELLING TO AND WORKING IN REMOTE AREAS

4.1 Skills and capability of the worker

Judgement about the skills, experience and training of the staff travelling to remote areas should be made by the manager and planning adjusted accordingly. This assessment should include the assessment of any known pre-existing medical condition that may increase the risk. With due regard for privacy, staff must disclose medical conditions that could impact on the safety of the team and put in place control measures accordingly.

4.2 Preparation

Party leaders shall ensure that:

- They carry a mobile phone, SPOT Tracker, Satellite Phone and appropriate power supplies.
- Current and relevant mobile numbers, email address and messages are entered into the SPOT account for Checkin/OK, 'Help/SPOT Assist' and 'S.O.S.' messages for the SPOT Tracker that they will be using – including Manager's proxy if the Manager is on leave

Building Policy Unit does not have Satellite Phones, where required they are to be sourced from other agencies.

Refer to Operational Guidelines – Inmarsat IsatPhone Pro Satellite Phone ([KNet#10303477](#)) and Iridium Extreme Satellite Phone ([KNet# 7069899](#)).

Vehicles are to be equipped with Fleetminder Online GPS Tracking devices. See Fleetminder Online Vehicle Tracker Operational Guideline ([KNet#10637104](#)).

Online tracking is accessed at <http://tracking.fleetminder.com.au/fleetfinder>

Username & Password to be obtained from the fleet management.

4.21 Single Vehicle Parties

The party leader must have an operational mobile phone, SPOT Tracker, Satellite Phone and appropriate power supplies readily available at all times.

When travelling through or working in remote areas, attachments 1 – 4 shall be completed by the party leader and other party members (where required) prior to departure from Adelaide.

A copy shall be taken into the field and the original left with the Manager. Party leaders are to scan all documents to a single PDF document, rename to 'Travel Information' and save to KNet using the 'File Part #' associated with the job.

4.22 Multi Vehicle Parties

If any vehicle in a multi vehicle party is working independently from the group, that vehicle shall be considered a single vehicle party, see 4.21 above for requirements.

When travelling in a group, the party leader must have an operational mobile phone, SPOT Tracker, Satellite Phone and appropriate power supplies readily available at all times. As a minimum, all other vehicles must carry a mobile phone.

If considered necessary by the Manager, a SPOT Tracker, satellite phone and appropriate power supplies must also be carried in all other vehicles at all times. All must be checked for correct operation prior to departure from Adelaide.

When travelling through or working in remote areas, attachments 1 – 4 shall be completed by the party leader and other party members prior to departure from Adelaide.

A copy shall be taken into the field and the original left with the Manager. Party leaders are to scan all documents to a single PDF document, rename to 'Travel Information' and save to KNet using the 'File Part #' associated with the job.

4.3 Communication Schedule

The communication schedule set out in 4.31, 4.32 & 4.32 shall be adhered to by the party leader.

If considered necessary by the Manager the below communication schedule is to be adhered to by all vehicles in the field party, not just the party leader's vehicle.

Departures from the below communication schedule are at the Manager's discretion. An alternative communication schedule must be discussed with the party leader and documented in attachment 3.

4.31 Day Communication

The Spot Tracker shall be continuously in "Tracking" mode when working on foot a significant distance from the vehicle, in which case the SPOT Tracker shall be carried on the staff member.

A single SPOT "Check-in/OK" message is to be sent between 12pm & 2pm.

4.32 Accommodation Return Communication

Accommodation **with** mobile phone coverage

When staying overnight in areas with mobile phone coverage the party leader shall either phone or send a text message to the Manager stating that the entire party has returned to the accommodation at the end of the day.

Where a text message is sent, a confirmation message must be sent by the Manager, stating the accommodation return message has been received.

It is important to note that the accommodation return contact should be consistent. I.e. all text messages or all phone calls and at a similar time.

Accommodation **without** mobile phone coverage

When staying overnight in areas where there is no mobile phone coverage a satellite phone call shall be made to the Manager upon return to the accommodation at the end of the day. The call is to be made when all party members have returned to the same accommodation.

4.33 Accommodation Return Communication

On return to Adelaide, the party leader shall send a 'Return to Adelaide' text message or phone call to the Manager. Each vehicle in a multi-vehicle party shall send a return to Adelaide text message / call to the party leader who will then notify the Manager that all vehicles have returned home.

Return to accommodation / Adelaide text messages or calls shall be made by 7pm; if not returning to the accommodation by 7pm the Manager must be phoned prior to 7pm advising estimated time to expect the text message or phone call.

4.4 Vehicle Checks

In addition to the vehicle checklist completed prior to remote area travel (Attachment 2), party leaders must ensure the following checks are carried out daily prior to departing accommodation when working in remote areas, or any project where off road driving is required:

- Under vehicle check for debris or loose parts
- Check/clear around exhaust system regularly to prevent build-up of combustible material.
<https://www.ford.com.au/ranger-recall-information/>
- Coolant level
- Engine oil level
- Tyre pressure & wear
- Satellite phone is charged, operational, and in the vehicle
- Satellite phone 12V charger is in the vehicle
- Adequate drinking water is available
- Fire knapsack is full (if applicable)
- List of local contacts is in the vehicle

5. BREAKDOWNS

Situations will vary in the event of a break down or accident and must be assessed by employees involved in terms of risks and practicality. Unless assistance can be obtained nearby at minimal risk, follow the maxim:

“IF IN DOUBT, STAY WITH THE VEHICLE”

When staying with the vehicle to wait for rescue raise the vehicle bonnet, assemble 'MAYDAY' ground signs, and use a mirror for attracting search vehicles or aircraft.

5.1 Search and Rescue

Subject to any alternative communication schedule as documented in attachment 3:

- If the Manager has not received a lunch time 'Check-in/OK' message by 2pm they shall view the 'Activity Log' Fleetminder account to monitor the plots for movement throughout the afternoon.
<http://tracking.fleetminder.com.au/fleetfinder>
- If the Manager has not received the accommodation return text message / call by 7pm they shall:
 1. Cross check the Fleetminder website <http://tracking.fleetminder.com.au/fleetfinder> to determine location of vehicle(s) (see [KNet#10637104](#))
Log in for Fleetminder accounts MUST be provided by the **field party leader** before departure.
 2. within one hour phone the following (in order) until the staff are located:
 - a. field party leader's mobile phone(s)
 - b. other field party member's mobile phone(s)
 - c. satellite phone
 - d. Accommodation – if staying overnight - see Attachment 1
 - e. Field Staff - Emergency Contact Details ([KNet#10361149](#))

- f. Local police (see attachment 4)
- g. Police attendance on 131 444

In case of an internal inquiry or a coroner's inquest full documentation is to be kept of times, activities and contacts for all response procedures.

6. ROLES AND RESPONSIBILITIES

It must be stressed that failure to adhere to these procedures is a breach of safe work practice, may put workers at risk, and may result in **search and rescue being activated unnecessarily**, incurring significant cost, inconvenience and distress.

6.1 Management Responsibilities

- Ensure staff are aware of and follow this procedure.
- Review this procedure in line with Government policies.
- Ensure there are adequate procedures in place for employees travelling / working in remote areas.
- Ensure that employees have adequate communication methods as detailed in this procedure.
- Ensure they have access to the SPOT account <https://login.findmespot.com/spot-main-web/auth/login.html> on their home PC, office PC and smart phone. (See 4.2 above for account login details).
- Ensure they carry a copy of attachments 1 – 4, SPOT account login details and Field Staff Emergency Contact Details ([KNet#10361149](#)) with them at all times
- Ensure they have access to the Fleetminder website / app account <http://tracking.fleetminder.com.au/fleetfinder> on their home PC, office PC and smart phone. (See 4.2 above for account login details).

6.2 Employee Responsibilities

All staff travelling to and through remote areas must:

- Ensure they follow this procedure
- Ensure they complete attachments 1 – 4 prior to departure from Adelaide and take a copy into the field
- Ensure they follow the communication schedule
- Ensure their Emergency Contact Details are current ([KNet#10361149](#))

It is important emergencies are avoided by careful planning. In particular, careful consideration should be given to the type of conditions when planning fuel consumption. (Note: under very bad road conditions and when using 4WD and low gears, fuel consumption will be higher than normal - Pastoral properties should not be considered as a fuel supply except in emergency situations.)

7. REFERENCES

Operational Guidelines:

Iridium Extreme Satellite Phone ([KNet #7069899](#))

Inmarsat IsatPhone Satellite Phone ([KNet #10303477](#))

Fleetminder Online Vehicle Tracker ([KNet#10637104](#))

Departmental Policies:

DP052 WHS&W Remote & Isolated Work Policy ([KNet #1866011](#))

DP054 WHS&W Driving Policy ([KNet#1974876](#))

DP087 Use of Vehicle Policy ([KNet#2006243](#))

DP099 Safer Vehicle Leasing Policy ([KNet # 2456368](#))

8. ATTACHMENTS

Attachment 1: Travel Schedule (2 pages)

Attachment 2: Vehicle Checklist

Attachment 3: Communication Schedule

Attachment 4: Local Emergency Contact Details

9. APPROVAL



Approved: A.T. Bush 18/03/2019

Project manager

Attachment 1: TRAVEL SCHEDULE

To be completed by party leader prior to departure

Field Party Member(s):

Name:

Name:

Name:

Long Distance Driving

(Risks and Control measures in

SWP 001 – Building Policy SWM page 29)

Date	Proposed location during the day	Overnight accommodation & phone number	Comments

Copy of Schedule with all Field Party Members

Schedule scanned and saved to KNet file #

Original Schedule with Manager

TRAVEL SCHEDULE (continued)

To be completed by party leader prior to departure

Map or detailed sketch of location(s) (if required)

A large, empty rectangular box with a thin black border, intended for a map or detailed sketch of a location. The box is currently blank.

Attachment 2: VEHICLE PRE-TRIP CHECKLIST

Items marked with an * are optional and can be included depending on the location, time of year or other circumstances

<p>VEHICLE</p> <p>Engine components - No faulty & loose parts <input type="checkbox"/></p> <p>Exhaust system checked for build-up of combustible material <input type="checkbox"/></p> <p>Radiator hoses <input type="checkbox"/></p> <p>Brake Fluid level <input type="checkbox"/></p> <p>Power Steering fluid <input type="checkbox"/></p> <p>Automatic Transmission fluid level – if vehicle has dip stick <input type="checkbox"/></p> <p>Coolant (check radiator overflow tank level) <input type="checkbox"/></p> <p>Battery Fluid full (check indicator if maintenance free) <input type="checkbox"/></p> <p>Battery terminals clean <input type="checkbox"/></p> <p>Engine Oil level <input type="checkbox"/></p> <p>Air Filter clean <input type="checkbox"/></p> <p>Odometer readingkm <input type="checkbox"/></p> <p>Next Service Duekm <input type="checkbox"/></p> <p>Windscreen wipers tank full, blades OK <input type="checkbox"/></p> <p>Insect/grass seed prevention – shade cloth for front grill * <input type="checkbox"/></p> <p>Vehicle fire extinguisher/secure <input type="checkbox"/></p> <p>TYRES PRESSURES & CONDITION</p> <p>Front right <input type="checkbox"/></p> <p>Front left <input type="checkbox"/></p> <p>Rear right <input type="checkbox"/></p> <p>Rear left <input type="checkbox"/></p> <p>1st spare <input type="checkbox"/></p> <p>2nd spare (if applicable) <input type="checkbox"/></p> <p>Jack & handle – operational <input type="checkbox"/></p> <p>Base plate for jack <input type="checkbox"/></p> <p>Wheel brace for wheel nuts <input type="checkbox"/></p> <p>12V Air compressor - operational <input type="checkbox"/></p> <p>Air pressure gauge <input type="checkbox"/></p>	<p>SATELLITE PHONE</p> <p>Operational <input type="checkbox"/></p> <p>12V & 240V Battery chargers <input type="checkbox"/></p> <p>Operational Guideline and User Guide for Satellite Phone <input type="checkbox"/></p> <p>List of local contact numbers Police, RFDS <input type="checkbox"/></p> <p>SPOT TRACKER</p> <p>Operational <input type="checkbox"/></p> <p>Spare lithium batteries <input type="checkbox"/></p> <p>Operational Guideline & User Guide for SPOT Tracker <input type="checkbox"/></p> <p>GENERAL EQUIPMENT</p> <p>First aid kit - checked <input type="checkbox"/></p> <p>Fire Knapsack * - full (to prevent fires in long grass) <input type="checkbox"/></p> <p>Dolphin torch - operational <input type="checkbox"/></p> <p>RECOVERY EQUIPMENT CHECK</p> <p>Shovel / Spade <input type="checkbox"/></p> <p>Axe / Slasher <input type="checkbox"/></p> <p>1 Snatchem straps <input type="checkbox"/></p> <p>2 D shackles <input type="checkbox"/></p> <p>Air Bag Jack * <input type="checkbox"/></p> <p>PERSONAL ITEMS</p> <p>Hat <input type="checkbox"/></p> <p>Sunglasses <input type="checkbox"/></p> <p>Waterproof jacket * <input type="checkbox"/></p> <p>Sleeping Bag/Blanket * <input type="checkbox"/></p>	<p>EMERGENCY MAINTENANCE TOOLS</p> <p>Set of metric sockets * <input type="checkbox"/></p> <p>Set of metric spanners * <input type="checkbox"/></p> <p>Medium adjustable spanner <input type="checkbox"/></p> <p>Large & small flat blade screw drivers <input type="checkbox"/></p> <p>Large & small Phillips head screw drivers <input type="checkbox"/></p> <p>Pliers (conventional and pointy nose) <input type="checkbox"/></p> <p>Jumper leads <input type="checkbox"/></p> <p>2nd spare * <input type="checkbox"/></p> <p>Beadbreaker & Tyre refitting kit * <input type="checkbox"/></p> <p>Insulation tape <input type="checkbox"/></p> <p>Gaffer tape <input type="checkbox"/></p> <p>Plastic cable ties <input type="checkbox"/></p> <p>SUPPLY CHECK LIST</p> <p>Drinking water - 5 litre water jug/full <input type="checkbox"/></p> <p>20litre water container /full <input type="checkbox"/></p> <p>Sunscreen <input type="checkbox"/></p> <p>Insect repellent <input type="checkbox"/></p> <p>Emergency Food * <input type="checkbox"/></p> <p>Matches <input type="checkbox"/></p> <p>Maps <input type="checkbox"/></p> <p>Compass <input type="checkbox"/></p> <p>Handheld GPS * <input type="checkbox"/></p> <p>Multi Tool <input type="checkbox"/></p> <p>VEHICLE DETAILS</p> <p>Make/Model:</p> <p>Registration No:.....</p> <p>Prepared By:</p> <p>Signed and Dated:</p>
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Attachment 3: COMMUNICATION SCHEDULE

To be completed by party leader prior to departure

Manager:

Name:	Mobile Phone N°:	Home Phone N°:	Office Phone N°:
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Field Party:

Name	Mobile Phone N°.	Satellite Phone N°.	SPOT N°.	Vehicle type & registration
Leader:				
Member:				
Member:				
Member:				
Member:				
Member:				

COMMUNICATION SCHEDULE

As per 4.3 Communication Schedule or alternative as noted below.

Fleetminder login details : User Name

Password

Phone call (Mobile or Satellite):

If the Manager does not received the above communication from the field party, search and rescue as per Section 5.1 will be carried out.

Check-in/OK messages and/or text messages or phone calls have been scheduled as per 4.3 or as per alternative schedule noted above.

Manager:..... Date:..... Signature:.....

Field Party Leader:..... Date:..... Signature:.....

Party Member:..... Date:..... Signature:.....

Party Member:..... Date:..... Signature:.....

Party Member:..... Date:..... Signature:.....

Attachment 4: LOCAL EMERGENCY CONTACT DETAILS

To be completed by party leader prior to departure

Police:

Closest Station location: Phone number:

2nd Closest Station location:Phone number:.....

Hospital:

Closest Hospital:

Phone number:

RFDS:

Closest Base location:

Phone number:

Other:

(for example, property owners, clients)

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GPO Box 2468, Adelaide SA 5001
Level 7, 60 Waymouth Street, Adelaide SA 5000
P: (08) 8115 3300
F: (08) 8115 3301
E: CFSHeadquarters@sa.gov.au
DX 666

Our Ref: OOC BFSC
Enquiries: Joel Taggart
Telephone: 08 8115 3361
Facsimile: -
Email: Joel.taggart@sa.gov.au

1 September 2020

Mr Michael Lennon
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Mr Lennon

Out of Council Areas Building Fire Safety Committee

In response to recent correspondence between your Departmental staff and the SA Country Fire Service (SA CFS) Development Assessment Service, I advise that the SA CFS is very supportive of this new initiative.

I advise that I am appointing Mr Colin Paton from our Development Assessment Service to be the representative of the SA CFS on this new Committee. Colin can be contacted on (08) 8115 3372 or via email colin.paton@sa.gov.au.

In addition, staff from our Region 4 office in Port Augusta will be able to provide assistance to Mr Paton and the Committee as required.

Should you wish to discuss this matter further, please do not hesitate to contact Mr Joel Taggart, Manager – Development Assessment Service, SA Country Fire Service on (08) 8115 3361 or via email joel.taggart@sa.gov.au.

Yours Sincerely

Mark Jones QFSM
Chief Officer
SA Country Fire Service

cc.
Colin Paton, HQ, SA CFS
Sindy McCourt, Region 4, SA CFS



#17424741



2 September 2021

Level 5, 50 Flinders Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

08 7109 7466
saplanningcommission@sa.gov.au

Mr Bill McIntosh AM
Presiding Member
Outback Communities Authority
PO Box 3326
Port Augusta SA 5700

State Planning Commission Building Fire Safety Committee

Dear Mr McIntosh

I am writing in relation to the establishment of the State Planning Commission Building Fire Safety Committee (the Committee). The Committee is responsible for maintaining appropriate levels of fire safety in buildings located in out of council areas. The Committee is established by the State Planning Commission as an 'appropriate authority' for the purposes of section 157 of the *Planning, Development and Infrastructure Act 2016* (PDI Act).

I understand Mr Mark Sutton of the Outback Communities Authority (OCA) has been involved in preliminary discussions with members of the Building Policy and Programs Team within the Attorney General's Department regarding the membership, role and purpose of this Committee. In establishing this Committee, it was identified that OCA's participation was important to ensure the successful delivery of the Committee's statutory functions, which contribute to OCA's purpose of 'improving the lives of people in the Outback'.

The Commission has resolved to appoint Mr Mark Sutton to the Committee for a term of 3 years, commencing 1 October 2021. However, it is understood that Mr Sutton's membership of the Committee may only occur on an interim basis, while an appropriate alternative long-term appointment is found. As such, to ensure the ongoing success of the Committee, the Commission would appreciate the support of the OCA and request the OCA nominates an appropriate alternative officer to replace Mr Sutton in the event of his resignation. Such nomination would then need to be approved by the Commission under the PDI Act.

On an ongoing basis, the OCA's nominated officer to the Committee will be required to participate in Committee meetings, discussions and onsite inspections in accordance with the Terms of Reference and Operating Procedures approved by the Commission (copy attached).

When available, the nomination should be forwarded in writing to Ms. Jodie Evans, Chair of the State Planning Commission Building Fire Safety Committee at Jodie.Evans@sa.gov.au. Should you have any questions regarding this matter, please do not hesitate to contact Ms. Evans on (08) 7109 7053.

Yours sincerely,

A handwritten signature in black ink that reads "Helen R. Dyer".

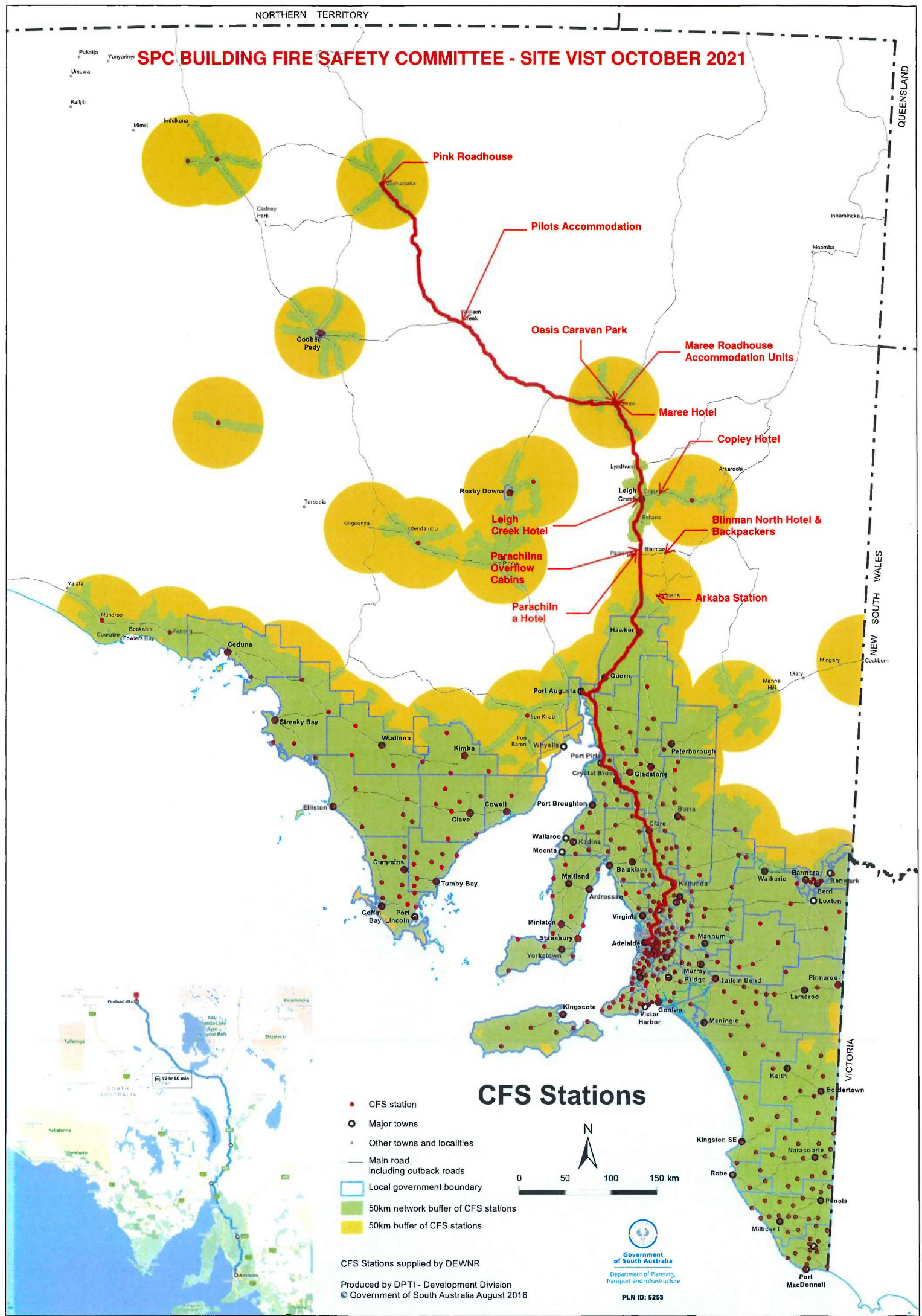
Helen Dyer
Chair

SPC BUILDING FIRE SAFETY COMMITTEE - SITE VISIT OCTOBER 2021

QUEENSLAND

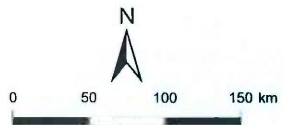
NEW SOUTH WALES

VICTORIA



CFS Stations

- CFS station
- Major towns
- Other towns and localities
- Main road, including outback roads
- Local government boundary
- 50km network buffer of CFS stations
- 50km buffer of CFS stations



CFS Stations supplied by DEWNR

Produced by DPTI - Development Division
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