



## Agenda Report for Decision

Meeting Date: 05 OCTOBER 2023

<b>Item Name</b>	Building Fire Safety Committee – Amendment of Terms of Reference and Update to Membership
<b>Presenters</b>	Wendy Mulvihill
<b>Purpose of Report</b>	Decision
<b>Item Number</b>	5.7
<b>Strategic Plan Reference</b>	N/A
<b>Work Plan Reference</b>	N/A
<b>Confidentiality</b>	Not Confidential (Release Immediately)
<b>Related Decisions</b>	<ul style="list-style-type: none"><li>• 2 September 2021 – Item No 4.3 – Strategy for operating State Planning Commission Building Fire Safety Committee in Out-of-Council Areas</li><li>• 9 December 2021 – Item No 4.2 – Initial trip of State Planning Commission Building Fire Safety Committee in Out-of-Council Areas</li><li>• 9 June 2022 – Item No 5.3 – Building Fire Safety Committee – Amendment to membership and Terms of Reference</li><li>• 21 July 2022 – Item No 5.3 – Building Fire Safety Committee – Further amendment to membership and Terms of Reference</li><li>• 16 March 2023 – Item No 5.2 - Building Fire Safety Committee – Amendment of Terms of Reference and Update to Membership</li></ul>

### Recommendation

It is recommended that the State Planning Commission resolves to:

1. Approve the designation of this item as Not Confidential.
2. Approve the appointment of Ms Evans to the BFSC, and to the position of Chair, until 30 September 2024, as she is a person who holds prescribed qualifications in building surveying.
3. Approve and authorise the Chair of the Commission to sign the attached letter of appointment to Ms Evans (**Attachment 1**).
4. Authorise the Chair of the Commission to make minor amendments to the Attachment as required to finalise.

## Background

The BFSC is a committee established by the Commission as an appropriate authority for the purposes of section 157 of the Act.

On 1 August 2017, the Commission assumed responsibilities and functions for out-of-council areas, a role that was previously the responsibility of the Development Assessment Commission under the now-repealed *Development Act 1993*.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 may, with the approval of the Minister for Planning (the Minister), 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 granted approval for the BFSC to be established.

The BFSC is established to investigate whether an owner of a building in out-of-council areas of South Australia is maintaining appropriate levels of fire safety in their building.

## Discussion

### Membership of BFSC

Pursuant to section 157(17) of the Act, the appropriate authority as appointed by the Commission will be constituted of:

- A person who holds prescribed qualifications in building surveying appointed by the Commission.
- 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.
- A person with expertise in the area of fire safety appointed by the Commission.
- If so determined by the Commission, a person selected by the Commission.

In February 2023, Ms Evans accepted a part-time contract with PLUS until 30 June 2023 to assist with Building Policy and Program projects, including with the BFSC, being a person who holds prescribed qualifications in building surveying.

Ms Evans has subsequently returned to PLUS in a part-time capacity and can continue to perform BFSC functions on the SPC's behalf.

Should the Commission be happy to appoint Ms Evans to the BFSC, BFSC Membership would comprise:

Name	Committee Position
Ms Jodie Evans, Chair Accredited Professional – Level 1 Building	A person who holds prescribed qualifications in building surveying.
Mr Colin Paton Country Fire Service (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> who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority.

OFFICIAL

Ms Heang Lim Senior Building Officer, Building Policy & Programs Planning and Land Use Services	A person with expertise in the area of fire safety appointed by the Commission.
Mr Mark Brown Asset and Works Officer Outback Communities Authority	If so determined by the Commission, a person selected by the Commission. A person with knowledge and experience of issues encountered in outback areas.

A suggested letter of appointment from the Chair of the Commission to Ms Evans is provided at **Attachment 1** for the Commission's approval.

**Attachments:**

1. Draft letter to Ms Jodie Evans – Appointment to the Building Fire Safety Committee (#20678992).

Prepared by: Wendy Mulvihill

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Endorsed by: Chelsea Lucas and Greg van Gaans

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Date: 21 September 2023

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9 October 2023

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Ms Jodie Evans  
Project Manager – Building Policy and Programs  
Planning and Land Use Services

By email: [jodie.evans@sa.gov.au](mailto:jodie.evans@sa.gov.au)

Dear Ms Evans

### **Appointment to the Building Fire Safety Committee**

Thank you for agreeing to be appointed to the State Planning Commission's Building Fire Safety Committee (the Committee).

I confirm the Commission has appointed you for a period commencing 05 October 2023 until 30 September 2026, under the provisions of the Planning, Development and Infrastructure Act 2016.

I will forward the Building Fire Safety Committee Terms of Reference and Operating Directions in due course and in the meantime I encourage you to familiarise yourself with the obligations under the Code of Ethics for the South Australian public sector, which can be accessed via the following link:

<https://www.publicsector.sa.gov.au/hr-and-policy-support/ethical-codes/code-of-ethics>.

In accordance with the Department of the Premier and Cabinet Circular: PC016 – Remuneration for Government Appointed Part-Time Boards and Committees (September 2016), as an employee of the State Government, I confirm that you will not be remunerated for your participation on this Committee.

I would like to congratulate you on your appointment and thank you for your assistance in this process.

Yours sincerely



**Craig Holden**  
Chair