

### 3.1.5 Community Design Advisory Committee

<b>Type:</b>	Regulatory Services - Planning
<b>Legislation:</b>	Local Government Act 1995
<b>Delegation:</b>	N/A
<b>Other Related Document:</b>	State Government Design WA Planning Policy 7.0 Design of the Built Environment (SPP7.0)

#### Objective

- To provide independent expert advice to the Council, Town’s Administration and applicants on the design of specified development proposals. This shall be limited to, architectural and urban design elements, heritage, landscape architecture, and environmental sustainability.
- To facilitate an improvement in urban design and the quality of the built environment within the Town of East Fremantle through the provision of information, expert advice and recommendations.

#### Policy Statement Definitions

“**CDAC**” means the Community Design Advisory Committee referred to in this Policy. CDAC

“**Financial Interest**” has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

“**Proximity Interest**” has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

“**Impartiality Interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

#### Policy Scope

##### Status and Role of the CDAC

- The CDAC (the Committee) provides professional and technical advice, in a non- adversarial and informal manner to the Town’s Administration and the Council in relation to the design of buildings and other related matters. The CDAC performs an advisory function only and does not make decision on, or approve applications.
- The CDAC is not a committee established pursuant to Section 5.8 of the *Local Government Act 1995*.
- CDAC members either collectively or individually are not authorised to speak on behalf of the Town or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.
- The CDAC (or its members) are not to provide advice directly to an applicant or Council Members in respect of any item under consideration at the CDAC meeting.
- The CDAC are to provide comments and advice to the Town’s Officers to assist the Town’s Officers in formulating recommendations to the Council meetings on particular applications for planning approval, or in determining applications under delegated authority.

- The Committee shall only deal with matters which have been referred to them by the Executive Manager Regulatory Services.

## Policy

### Terms of Reference

1. To provide the Town of East Fremantle with independent expert advice and expertise on urban design, architecture, landscape design, sustainability and heritage in relation to proposals referred to the Committee for consideration.
2. To act in an advisory capacity on specified proposals with respect to matters including, but not limited to:
  - (a) Context and character:  
Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
  - (b) Landscape Quality:  
Good design recognises that together landscape and buildings operate as an integrated and sustainable system within a broader ecological context.
  - (c) Built form and scale:  
Good design provides development with massing and height that is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.
  - (d) Functionality and build quality  
Good design meets the needs of users in an efficient and effective manner, balancing functional requirements to deliver optimum benefit, and performing well over the full life-cycle.
  - (e) Sustainability:  
Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
  - (f) Amenity:  
Good design optimises internal and external amenity for occupants, visitors and neighbours, contributing to living and working environments that are comfortable and productive.
  - (g) Legibility:  
Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.
  - (h) Safety:  
Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
  - (i) Community:  
Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.
  - (j) Aesthetics  
Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

### **Membership**

1. The Membership of the CDAC shall comprise of up to ten (10) external members approved by the Council and appointed by the Chief Executive Officer.
2. The Town will seek to engage external members so that the CDAC meetings will consist of ten (10) members (excluding Chairperson) having:
  - (a) a demonstrated high level of expertise and knowledge in their particular field of architecture, urban design, landscape architecture, sustainability or heritage; or
  - (b) the relevant skills and experience to provide independent expert advice.

Preference will be given to residents of the Town who have a detailed knowledge of the composition of the Town. Non-residents may be appointed if suitable candidates cannot be established from the Town's residents or if determined by the Council.

### **The Chairperson**

1. The CDAC Chairperson is an Elected Member of Council and appointed by Council.
2. The Executive Manager Regulatory Services shall give all assistance to the CDAC Chairperson in respect to administrative support for the Committee.

### **Applications to be Referred to the Committee**

1. The following applications for development approval for proposed development (Development Applications) are to be referred to the CDAC for their consideration and comment:
  - (a) Development which will have a significant impact upon the significance of a Heritage Place.
  - (b) Development which will have a significant impact upon the streetscape character of the locality or in the opinion of the Chief Executive Officer/Executive Manager Regulatory Services is likely to have a significant impact on the locality or the Town;
2. The Executive Manager Regulatory Services may refer an application to the CDAC, regardless of whether the application is to be determined by the Council or under delegated authority.
3. The Executive Manager Regulatory Services may refer other planning matters to the CDAC where it is considered that the Town will benefit from the CDAC members' input.
4. The CDAC will examine design elements of development applications having regard to the Town's Residential Design Guidelines, the Residential Design Codes (R-Codes) and Burra Charter.
5. Matters referred for review at the State Administrative Tribunal will not be referred to the CDAC.
6. Matters to be determined by a Development Assessment Panel will not be referred to the CDAC.

### **Meeting Procedure and Process**

1. Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the CDAC shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
2. Members will be required to provide sufficient notice of their ability or inability to attend the next scheduled meeting.
3. CDAC Meetings are not open to the Public.
4. Having reviewed the development application, the CDAC members are to provide comments and advice within the context of the relevant provisions of the Town's Terms of Reference of this Policy, noting the Residential Design Guidelines, Burra Charter and R-Codes, together with any other comments or advice the CDAC wishes to provide.

### **Quorum**

1. A quorum for the meeting of the Committee will be four (4) voting members (including the Chairperson).
2. The CDAC meeting shall not proceed unless a quorum is present.

### **Chairperson**

The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair.

### **Agendas**

1. The Executive Manager Regulatory Services (or an Officer authorised by the Executive Manager Regulatory Services) will determine the Agenda for each meeting.
2. All meetings shall be confined to items listed on the Agenda.
3. Agendas will be distributed to all members at least five (5) working days in advance of meeting dates. The Agendas are to provide only descriptive headings of items to be discussed.
4. Detailed plans of the proposal will be distributed to Committee members at least five (5) working days in advance of the meeting dates.

### **Minutes**

1. The CDAC Chairperson (in liaison with the Executive Manager Regulatory Services) shall be responsible to ensure the preparation and accuracy of the Minutes/Meeting notes.
2. Items considered at the meeting will not be formally voted upon. The Minutes/Meeting notes of the Committee will record consensus agreement and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. At the end of each meeting, the Minute Taker in attendance will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view.
3. The Minutes/Meeting notes of the Meeting will be prepared by the Responsible Officer and distributed to members within five (5) working days after the date of the meeting.
4. The CDAC Minutes/Meeting notes are to be presented in the form of:
  - (a) explanatory comments on each proposal conveying the CDAC's general views regarding the proposal; and
  - (b) a formal recommendation to the Town, where appropriate reflecting the views of the majority of members present at the meeting.
5. The CDAC Chairperson will endorse the Minutes/Meeting notes and proposed design recommendations.
6. An original copy of the endorsed Minutes/Meeting notes is to be retained for record purposes, and a copy provided to the applicant.

### **Administrative Support**

A Town employee will be assigned to provide administrative support to the CDAC. This person will be responsible for the following;

- Issuing of the Agenda;
- Recording of Apologies prior to the meeting;
- Preparation of the Minutes/Meeting notes;
- Room booking; and
- Catering requirements.

### **Code of Conduct**

1. The Town's Code of Conduct shall apply to members of the CDAC.
2. All CDAC members shall be required to declare any conflicts of interest in matters being considered.
3. A copy of the Town's Code of Conduct will be provided to each member upon their appointment.
4. The Town's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.
5. Contact and lobbying of Community Design Advisory Committee members by applicants is

considered to be inappropriate.

6. The presentation of proposals by applicants to the Community Design Advisory Committee members, either jointly or severally, is not permitted.

#### **Conflict of Interest**

1. All members need to be aware that any conflict of interest needs to be recognised. On receipt of the Agenda, if a member has an interest in the matter, then the member is required to declare the interest.
2. Any person who has a financial and proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

#### **Financial and Insurances**

The Town will arrange all insurance to cover CDAC members whilst discharging their normal course of duty, including travel to and from the meeting.

#### **Tenure of Appointment**

1. The Council will appoint a member to the CDAC including the prescribed Term and any conditions.
2. The CDAC Membership is normally for a period of four (4) years from the period of the ratification of the CDAC by the Council. (Generally the term is from November after the Ordinary local government elections to October of the fourth year.)
3. Once selected by the Council, if a member fails to attend three (3) consecutive meetings of the CDAC, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the CDAC. The Chief Executive Officer shall advise any member, in writing, when their membership of a Committee is terminated.
4. The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
  - (a) The Chairperson and Chief Executive Officer consider that the member is not making a positive contribution to the CDAC; or
  - (b) The member is found to be in breach of the Town of East Fremantle Code of Conduct or a serious contravention of the Local Government Act 1995; or
  - (c) A member's conduct, action or comments brings the Town of East Fremantle into disrepute.

#### **Vacancies**

Vacancies shall be filled by calling for nominations of external members. Members filling a vacated position will hold that position for the remainder of the four (4) years duration of the convened CDAC, as approved by the Council.

<b>Responsible Directorate:</b>	Regulatory Services
<b>Reviewing Officer:</b>	Executive Manager Regulatory Services
<b>Decision making Authority:</b>	Council
<b>Policy Adopted:</b>	21/6/16
<b>Policy Amended:</b>	19/7/16, 15/10/19, 19/10/21
<b>Former Policy No:</b>	3.1.6