



CITY OF VINCENT

DESIGN ADVISORY COMMITTEE

POLICY NO. 4.2.13

(Adopted at the Ordinary Meeting of Council held on 11 October 2011)

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DESIGN ADVISORY COMMITTEE

Index

OBJECTIVES	1
POLICY STATEMENT	1
DEFINITIONS	1
1. Status and Role of DAC	1
2. Terms of Reference	2
3. Membership	3
4. Role of Chairperson	3
5. Applications to be Referred to the Committee	4
6. Meeting Procedure and Process	5
7. Meeting Procedures	5
7.1 Meetings	5
7.2 Quorum	5
7.3 Chairperson	6
7.4 Agendas	6
7.5 Minutes	6
7.6 Administrative Support	7
7.7 Administration Action and Support	7
7.8 Code of Conduct	7
7.9 Conflict of Interest	8
7.10 Financial and Insurances	8
7.11 Tenure of Appointment	8
7.12 Vacancies	9
7.13 Confidentiality	9
APPENDIX 1	10

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DESIGN ADVISORY COMMITTEE

OBJECTIVES

To provide independent expert advice to the Council, City's Administration and applicants on the design and site planning of specified development proposals prior to the submission of a Development Application. This shall include but not limited to, architectural and urban design elements, amenity, landscape architecture and environmental sustainability.

To facilitate an improvement in urban design and the quality of the built environment within the City of Vincent through the provision of information, expert advice and recommendations.

POLICY STATEMENT

DEFINITIONS

"DAC" means the Design Advisory Committee referred to in this Policy.

"*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.

1. STATUS AND ROLE OF THE DAC

- 1.1** The DAC (the Committee) provides professional and technical advice, in a non adversarial and informal manner to the City's Administration and the Council in relation to the design of buildings and other related matters. The DAC performs an advisory function only and does not make decision on, or approve applications.
- 1.2** The DAC is not a committee established pursuant to Section 5.8 of the *Local Government Act 1995*.
- 1.3** DAC members either collectively or individually are not authorised to speak on behalf of the City or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.

- 1.4** The DAC (or its members) are not to provide advice directly to an applicant or Council Members in respect of any item under consideration at the DAC meeting.
- 1.5** The DAC are to provide comments and advice to the City's Officers to assist the City's Officers in formulating recommendations to the Council meetings on particular applications for planning approval, or in determining applications under delegated authority.
- 1.6** The Committee shall only deal with matters which have been referred to them by the Chief Executive Officer or the Council.

2. TERMS OF REFERENCE

- 2.1** To provide the City of Vincent with high level independent expert advice and expertise on urban design, architecture, landscape design, sustainability and heritage in relation to proposals referred to the Committee for consideration.
- 2.2** To act in an advisory capacity on specified proposals with respect to matters including, but not limited to:
 - (a) The overall built form merits;
 - (b) The quality of architectural design including its relationship to the adjoining development;
 - (c) The relationship with and impact on the broader public realm and streetscape;
 - (d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;
 - (e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability, including TOD principles;
 - (f) The demonstration of other qualities of best practice urban design including Crime Prevention Through Environmental Design performance, protection of important view corridors and lively civic places.
- 2.3** To examine the plans of all development proposals referred to them, undertake site visits and provide professional and technical advice to the applicant and the City's Planning Services in relation to matters relating to urban design, architecture, landscape design, sustainability or heritage.

3. MEMBERSHIP

3.1 External members

The Membership of the City of Vincent DAC shall comprise of five (5) external members from a panel approved by the Council and appointed by the Chief Executive Officer.

3.2 The City will seek to engage external members so that the DAC meetings will consist of five (5) members having:

- (a) A demonstrated high level of expertise and knowledge in their particular field of architecture, urban design, landscape architecture, sustainability or heritage; and
- (b) The relevant skills and experience to provide independent expert advice.

Current registration with their relevant Professional Body is desirable.

3.3 Preference will be given to residents of the City who have a detailed knowledge of the composition of the City thus enabling that panel members to make a positive contribution towards the built environment of the City. Non residents may be appointed if suitable candidates cannot be established from the City's residents or if determined by the Council.

3.4 City Officers

- Director Development Services
- Manager Planning and Building Services
- Other City Planning and Heritage Officers as required.

Note: The City's Officers are not voting members

4. ROLE OF THE CHAIRPERSON

4.1 The DAC Chairperson is authorised to select the five (5) members to comprise the DAC meeting, to be selected from the panel. In determining the composition of a DAC meeting the Chairperson shall give cognisance to the:

- type of development/matter with respect to the skills, expertise and knowledge of the DAC member; and
- frequency of a Member's attendance at previous meetings.

4.2 Where a DAC meeting considers a development and is required to have further meetings, the same five (5) members present at the original meeting (where the application was considered) shall be entitled to attend such meetings, until the matter is finalised.

- 4.3** The DAC Chairperson may request that external advice or expert knowledge be provided to the DAC, where such knowledge is unavailable within DAC Members or due to the nature and type of the development. The Chief Executive Officer shall give all assistance to the DAC Chairperson and where appropriate, approval of such requests.

5. APPLICATIONS TO BE REFERRED TO THE COMMITTEE

- 5.1** The following applications for planning approval for proposed development (Development Applications) in the following categories are to be referred to the DAC for their consideration and comment:

- (a) Non-residential and mixed used development, 4 storeys and higher or in the opinion of the Chief Executive Officer/Director Development Services is likely to have a significant impact on the locality or the City;
- (b) Ten (10) or more residential dwellings;
- (c) Commercial development directly abutting land zoned residential; and
- (d) Where required in accordance with Clause 8 of the City's Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones; and
- (e) Development, not of the kind referred to in items (a-d) above, but which, in the opinion of the Chief Executive Officer or Council, is:
 - of a complex or contentious nature;
 - likely to be of significant interest to the community;
 - involves unusual or unconventional design elements; or
 - is likely to benefit from referral from the DAC.

- 5.2** The Chief Executive Officer/Director Development Services may refer an application to the DAC, regardless of whether the application is to be determined by the Council or under delegated authority.

- 5.3** The Chief Executive Officer may refer other planning matters to the DAC where it is considered that the City will benefit from the DAC Panel Members input, as follows:

- (a) proposed planning or design studies including planning strategies, policies, precinct plans, design guidelines or amendments to the City's Town Planning Scheme; or
- (b) any other matter relating to, but not limited to, the design of buildings or places or any issues relating to environmentally sustainable design.

5.4 The DAC will examine design elements of development applications and other planning proposals having regard to the statutory environment of the particular proposal, including the provisions of the City's Town Planning Scheme, the Residential Design Codes and relevant City and State Planning Policies.

5.5 Matters referred for review at the State Administrative Tribunal will not be referred to the DAC.

6. MEETING PROCEDURE AND PROCESS

The procedure for referral of matters to the DAC and the process to be followed is shown in Appendix 1.

7. MEETING PROCEDURES

7.1 Meetings

- (a) 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 DAC shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
- (b) At the first meeting after convening, the DAC shall determine a Schedule of Meeting dates for the remainder of the year. (These to be included in the City's monthly "Calendar of Events").
- (c) Members will be required to provide sufficient notice of their ability or inability to attend their allocated meeting, so that the City is able to arrange for another member to take their place, if required.
- (d) DAC Meetings are not open to the Public.
- (e) Having reviewed the proposal, the DAC members are to provide comments and advice in response to the particular matters requiring their comment, together with any other comments or advice the DAC wishes to provide.

7.2 Quorum

- (a) A quorum for the meeting of the Committee will be three (3) voting members plus a minimum of one (1) City Officer.
- (b) The DAC meeting shall not proceed unless a quorum is present.

7.3 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.

7.4 Agendas

- (a) The Chief Executive Officer (or an Officer authorised by the Chief Executive Officer) will determine the Agenda for each meeting.
- (b) All meetings shall be confined to items listed on the Agenda.
- (c) 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.
- (d) Detailed plans of the proposal will be distributed to Committee members at least five (5) working days in advance of the meeting dates.
- (e) Proponents are required to present their proposal to the DAC at an arranged time during the scheduled meeting.

7.5 Minutes

- (a) The DAC Chairperson (in liaison with the Director Development Services) shall be responsible to ensure the preparation and accuracy of the Minutes/Meeting notes.
- (b) Items considered at the meeting will not be formally voted upon. The Minutes/Meeting notes of the Committee will record consensus agreement on actions 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 City Officer 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.
- (c) 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.

- (d) The DAC Minutes/Meeting notes are to be presented in the form of:
 - (i) Explanatory comments on each proposal conveying the DAC's general views regarding the proposal;
 - (ii) Formal recommendation to the City, where appropriate reflecting the views of the majority of members present at the meeting; and
 - (iii) Additional informal comment conveying the views of individual members, which may be included at the request of any member, subject to the approval of the Manager Planning and Building Services.
- (e) The DAC Chairperson will endorse the Minutes/Meeting notes and proposed design recommendations.
- (f) Original copy of the endorsed Minutes/Meeting notes to be retained for record purposes, and a copy provided to the applicant.
- (g) The unconfirmed Minutes/Meeting notes will be reported to the Council meeting (following the DAC meeting), on a confidential basis if requested by the applicant.

7.6 Administrative Support

A City employee will be assigned to provide administrative support to the DAC. 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.

7.7 Administration Action and Support

Any matters which have been dealt with by the DAC will not be implemented by the City's Administration until a report has been submitted to the Council for a decision.

7.8 Code of Conduct

- (a) The City's Code of Conduct shall apply to members of the DAC.
- (b) All DAC members shall be required to declare any conflicts of interest in matters being considered by the Committee.

- (c) A copy of the City's Code of Conduct will be provided to each member upon their appointment.
- (d) The City's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.

7.9 Conflict of Interest

- (a) 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 and a replacement deputy member will be called on to fill in for that item or meeting. The Minutes of the meeting will record the declaration and note the vacancy during the discussion. Once the matter has concluded, the Chairperson will invite the member back into the meeting. If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the Senior City Officer in attendance at the meeting.
- (b) 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.

7.10 Financial and Insurances

- (a) A fee is payable to each DAC member for attendance at scheduled and special meetings, paid monthly in arrears. The fee is to be prescribed in the City's Annual Budget.
- (b) When a member of the DAC is required to appear on the City's behalf as an expert witness at the State Administrative Tribunal, the member is to be paid at a mutually agreed hourly rate between the member and the Chief Executive Officer, which is consistent with the qualifications, experience and professional status of the member.
- (c) The City will arrange all insurance to cover DAC members whilst discharging their normal course of duty, including travel to and from the meeting.

7.11 Tenure of Appointment

- (a) The Council will appoint a member to the DAC including the prescribed Term and any conditions.

- (b) The DAC Membership is normally for a period of two (2) years from the period of the ratification of the DAC by the Council. (Generally the term is from November after the Ordinary local government elections to October of the second year). Membership of the Committee terminates when an Ordinary local government election occurs every two years, in October.
- (c) Once selected by the Chairperson in accordance with Clause 4.1, if a member fails to attend three (3) consecutive meetings of the DAC, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the DAC. The Chief Executive Officer shall advise any member, in writing, when their membership of a Committee is terminated.
- (d) The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
 - (i) The Chairperson and Chief Executive Officer consider that the member is not making a positive contribution to the DAC; or
 - (ii) The member is found to be in breach of the City of Vincent Code of Conduct or a serious contravention of the Local Government Act 1995; or
 - (iii) A member's conduct, action or comments brings the City of Vincent into disrepute.

7.12 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 two (2) years duration of the convened DAC, as approved by the Council.

7.13 Confidentiality

Proceedings of a DAC meeting and other proposals before the DAC are to remain confidential unless such details are disclosed in an authorised manner by Chief Executive Officer to the applicant or reported to the Council.

Date Adopted:	11 October 2011
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Date Reviewed:	-
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APPENDIX 1

