



## **STRATHFIELD DESIGN REVIEW PANEL (DRP) CHARTER**

### **1. Functions**

- a) The Design Review Panel (DRP) (the "Panel") is a body constituted for the purpose of providing independent, expert design advice on applications referred to the DRV in accordance with this Charter. The Panel plays an advisory role and is not a decision-making body.
- a) The function of the DRV is to examine, evaluate and comment on the design aspects of development applications, planning proposals or policies referred to the DRV in accordance with this Charter, prior to the determination of the development applications or consideration of planning proposals and policy.
- b) Provide advice on Council's policies/controls as they relate to design.
- c) To assess the design quality of development proposals (Development Applications and Planning Proposals) and identify how the proposed development could be improved by design changes to better achieve the objectives of the relevant planning controls and an optimum design outcome.
- d) To provide comments to Council and in some instances applicants and their architects on actions that could be taken to improve the quality of the design of a development;
- e) To facilitate greater transparency in the decision making process of applications to which this charter applies; and
- f) To achieve best practice urban design and development outcomes consistent with the relevant legislation and planning controls.

### **2. Constitution**

- a) The DRV shall comprise three (3) experienced and qualified professionals.
- b) The Panel shall comprise a Chairperson. The Chairperson will be the Panel representative and appointed by the General Manager. The Chairperson has the following roles:
  - Chair Panel meetings;



- Monitor due process;
  - Prepare reports from Panel meetings;
  - Produce annual review reports as required on the nature of the business conducted during the period, including specific advice as to the Panel's effectiveness and what changes, if any, are recommended for future operation of the Panel and for Council's planning policies.
- c) members of the DRP are have a mix of expertise in architecture, urban design and landscape architecture.
- d) Eligibility for the Panel will be based on qualifications and experience in the areas of planning, urban design, architecture and landscape architecture. The selection procedure will commence with an expression of interest process. Council will assess the expressions of interest against the following core selection criteria contained within Part 5 of the Apartment Design Guidelines and any other selection criteria established to address local issues:
- appropriate qualification and demonstrated experience in the design of development types to be referred to the DRP in relation to architecture, landscape architecture or urban design;
  - demonstrated highly developed skills and experience in urban analysis of local planning strategies and policies (e.g. local environmental plans, development control plans, precinct plans and town centre revitalisation);
  - knowledge or understanding of local council policies and development controls;
  - knowledge of the design issues of the local area;
  - ability to analyse, evaluate and report on complex design quality issues for development applications and strategic planning;
  - in relation to residential flat buildings, the ability to develop design options and/or recommendations to ensure appropriate application of SEPP 65 design quality principles and the Apartment Design Guide;
  - ability to work in a multi-disciplinary team;
  - ability to liaise/negotiate with local government as well as the private sector;
  - excellent written and verbal communication skills including; and
  - knowledge, commitment and ability to implement council policies and standards, including those that relate to integrity, ethics, safety, anti-discrimination and equity.
- e) Sufficient Panel members will be appointed to allow the rotational roster. This will also accommodate circumstances where there may be a conflict of interest or the absence of a member.



- f) The appointees must not live in the Strathfield Local Government Area (LGA), are to have no association with applicants who regularly undertake development in the Strathfield area or undertake any work within the Strathfield area that may result in a conflict of interest or have the potential for a future conflict of interest with their role on the Panel.
- g) Members of the Panel are appointed by the General Manager for a term of 2 years.
- h) A member of the Panel vacates their membership if the member:
  - dies, or
  - resigns in writing to the General Manager, or
  - completes a term and is not re-appointed, or
  - is removed from his or her membership of the Panel by Council for breach of any relevantly applicable requirements of the Panel Memorandum of Understanding or the guidelines issued by the General Manager in respect of the Panel as in force from time to time, or
  - without reasonable excuse does not attend a meeting of the Panel in compliance with a call of the Panel or is otherwise absent (without any written explanation for any such absence given to and accepted by the General Manager) from two (2) consecutive meetings of the Panel, or
  - becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - becomes physically or mentally incapacitated to such an extent that he or she is unable to continue discharging the responsibilities of being a member of the Panel, or
  - is removed by the General Manager for any or no reason and without notice.
- i) An alternate member may from time to time be appointed by the General Manager.
- j) The Panel may, subject to this Charter and any guidelines issued by the General Manager in respect of the Panel as in force from time to time, determine its own procedure.
- k) A quorum for a meeting of the Panel is two (2) members of the Panel who hold office for the time being and who are not otherwise disentitled from voting on any particular matter before the meeting.
- l) Proceedings, deliberations and decisions of the Panel shall operate in closed session
- m) Each member of the Panel, unless otherwise disentitled to vote, is entitled to one vote. However, the person presiding at a meeting of the Panel has, in the event of an equality of votes, a second or casting vote.
- n) A member of the Panel is disentitled to vote on any matter with which the Panel is concerned if the person has a pecuniary interest in the matter (as defined in sections



442 and 443 of the *Local Government Act 1993* (NSW)) or a conflict of interest in the matter as relevantly defined in the Strathfield Code of Conduct, and is otherwise present at a meeting of the Panel at which the matter is being considered. However, a member of the Panel is not disentitled to vote on any matter with which the Panel is concerned if, in the absence of any *other* probative material that would give rise to a pecuniary interest or a conflict of interest as referred to above, the person or any member of the person's family has from time to time personal, familial, business or professional connections or dealings with persons, organisations or associations or bodies within the Strathfield local government area of a kind that could not reasonably be regarded as likely to influence any decision the person might make in relation to the particular matter before the Panel.

- o) Panel members must comply with all requirements imposed by the Local Government Act 1993 on persons providing advice to a Council.
- p) A decision of the Panel shall be by a majority of votes of members present and otherwise entitled to vote at the relevant meeting of the Panel.

### **3. Development Applications to be Referred to the DRP**

The General Manager will refer to the Panel the following types of development applications:

- i. development applications and planning proposals that require assessment under State Environmental Planning Policy No. 65 (SEPP 65);
- ii. new buildings or major extensions to commercial buildings / shop top housing;
- iii. new public buildings and educational establishments, depending on their location and whether they are visible from public areas;
- iv. development that require assessment under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- v. new hospitals/medical centres;
- vi. new boarding houses, tourist and visitor accommodation and hotel/motels; and
- vii. any application or planning proposal at the discretion of Council, which are considered by the Council to warrant referral to the Panel.

### **4. Operations of the DRP**

#### **4.1 Documentation to the Panel**

- a) The following documentation is to be provided to the Panel (electronically or hard copy) seven (7) days before the meeting:
  - agenda;



- architectural drawings; and
- all other relevant supporting documentation.

#### **4.2 Meeting Procedures**

- a) The Agenda shall be uploaded to Council's website prior to the meeting. Applicants will be notified by Council that their application is being reviewed by the Panel.
- b) The meetings and other processes of the Panel will be undertaken in accordance with the Panel guidelines issued by the General Manager from time to time.
- c) An officer of Strathfield Council appointed by the General Manager shall act as secretary to the Panel and may be present at any meeting of the Panel. In addition, the General Manager may, if in the opinion of the General Manager it is necessary or advisable so to do, provide other administrative support to the Panel whether by way of the provision of staff or otherwise.
- d) The Panel shall hold at least twelve (12) meetings in each calendar year. Each meeting shall ordinarily be held in a different calendar month. However, an additional meeting may be called at the discretion of the Chairperson, and any such meeting may at the discretion of the Chairperson be held in any calendar month even if a meeting has already been held or is otherwise scheduled to take place in that month.
- e) The DRP will meet at Strathfield Council at the time organised by the DRP secretariat.
- f) Strathfield Council may request the cancellation of a meeting, or call an extraordinary meeting, with at least five (5) days written notice (email) to Panel members.
- g) The Chairperson will preside as Chairperson at every meeting of the Panel, unless due to unavailability, they have delegated their role in advance to another Panel member.
- h) Council staff may attend the meetings as observers.
- i) The Minutes of the DRP will be prepared by the Chairperson in typed format (computer access to be provided by Council) and reviewed by and approved by the Panel members, prior to being submitted to Council. The Minutes are to be signed by the Panel members. The Minutes of the Panel shall include: attendance, apologies, declaration of interest, a record of all recommendations by the Panel.
- j) The Panel's minutes and recommendations must be delivered to the applicant in writing (letter of email) within fourteen (14) days of
- k) The Panel's Minutes and recommendations will be saved to the electronic DA File and sent to the applicant electronically by the Assessment Officer within two (2) days of the Minutes being finalised.



## **5. Obligation of Members**

All members of the Panel are required to comply with the following conditions of engagement detailed below. These conditions are based on Council's assessment of minimum requirements needed to deliver an appropriate standard of service. Relevantly, a member of the Panel must:

- a) faithfully and diligently perform their respective obligations under this Charter, the SIHAP Memorandum of Understanding, and any guidelines issued by the General Manager from time to time, and must at all times act in accordance with the Strathfield Council Code of Conduct (to the extent, if any, modified by this Charter),
- b) not disclose any confidential information obtained in the performance of any of the functions of the Panel,
- c) not make oral or written statements of any description to the media or to the Panel in connection with or which touches upon any or all of the functions of the Panel,
- d) inform himself or herself of materials presented before the Panel,
- e) not purport to represent Strathfield Council in any capacity, and
- f) comply with the provisions of the *Occupational Health and Safety Act 2000* (NSW), to the extent to which those provisions are relevantly applicable to members of the Panel as regards the performance of their respective duties as such, as well as with all occupational health and safety policies and procedures of Strathfield Council as in force from time to time.
- g) Complete a Pecuniary Interest Declaration Return (Return) and submit it to the General Manager upon appointment to the Panel and shall also submit an annual Return in July each year covering the period to 30 June of the previous 12 months.

## **6. Applicant Representation Procedures**

The applicant and nominated architect (or other nominated representatives) for the development application and/or planning proposal will be invited by the Council to attend the Design Review Panel meeting.

The applicant will be given seven (7) days written notice (email) on the time and date of the DRP meeting.

The Panel will be allocated a minimum of thirty (30) minutes and a maximum of one (1) hour for discussions with the applicant and nominated architect or representatives.

Landowners, applicants and nominated architects or representatives are not able to contact Panel members directly.

## **7. Remuneration of the Panel**

- a) Remuneration of a member of the Panel shall be as determined by the General Manager.



## Strathfield Design Review Panel

### Memorandum of Understanding

I \_\_\_\_\_ hereby accept appointment to the Strathfield Design Review Panel (DRP) (the "Panel") on the following terms and conditions:-

1. I have read and agree with the Panel Charter shown as Annexure "A" to the Memorandum.
2. I acknowledge and agree that my appointment begins on {insert date} and ends on the {insert date}, the term is renewable by Council at its absolute discretion.
3. I understand and accept that each member of the Panel is entitled to receive such remuneration for attending meetings and taking part in the business of the Panel as determined by the General Manager and advised in writing.
4. I acknowledge and accept that if I have a pecuniary interest in any matter (as defined in section 442 and 443 of the *Local Government Act 1993* (NSW), to be considered by a meeting of the Panel, or a conflict of interest as defined in the Strathfield Council Code of Conduct, then:-
5. I will immediately disclose the nature of that interest to the Panel at the commencement of a meeting prior to any consideration of any matter, and
6. Unless otherwise permitted by the DRP Charter, I will not be present at any time when the matter is being considered or discussed by the Panel.
7. I acknowledge and agree that the Council may immediately terminate my appointment to the Panel by notice in writing, given to me or posted by pre-paid letter addressed to my last known place of residence or business or post office box, if, among other things, I act in breach of the requirements of paragraph 5 of this Memorandum of Understanding or if I fail to attend two (2) consecutive meeting of the panel which I should attend, without a written explanation for my absences given to and accepted by the General Manager.

Panel Member Name:

Date:

Signature:

Date:

General Manager:

Date:

Signature:

Date: