

Urban Design Review Panel Charter

2020



City of
Newcastle

Charter Urban Design Review Panel

Charter Title:	Urban Design Review Panel
Committee Type	Advisory
Charter Owner:	Manager Regulatory, Planning and Assessment
Prepared by:	Regulatory, Planning and Assessment
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Relevant Legislation/Codes:	<i>Environmental Planning and Assessment Act 1979</i> <i>Local Government Act 1993</i> <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> <i>Newcastle Local Environmental Plan 2012</i>
Related Policies/Documents:	Code of Conduct Media Policy Statement of Business Ethics Community Representative Member Undertaking Apartment Design Guide
Required on website	No
Related Forms:	Committee Member Undertaking
Authorisations	To the Urban Design Review Panel, to perform functions authorised under this Charter.

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1 Interpretation

- 1.1 **Alternate Member** means a member of the Urban Design Review Panel, appointed in accordance with clause 6. An Alternate Member is requested to attend meetings at the discretion of the Panel Coordinator. Any reference to a Member in this document includes a reference to an Alternate Member.
- 1.2 **Apartment Design Guide** means the State reference guide for consistent planning and design standards for apartments, referred to in *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*.
- 1.3 **CEO** means the Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993*.
- 1.4 **Chairperson** means the presiding member of the Urban Design Review Panel appointed in accordance with clause 6 and is responsible for duties outlined in clause 8.
- 1.5 **City of Newcastle** or **CN** means Newcastle City Council and where appropriate includes its administration and / or the elected Council. A specific reference to the elected Council means a resolution of the elected Councillors at a Council meeting.
- 1.6 **Code of Conduct** means the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors.
- 1.7 **Council** means CN and where appropriate includes its administration and elected Council (a specific reference to the elected Council means a decision of Councillors at a Council meeting).
- 1.8 **Director-General’s Design Excellence Guidelines** means the guidelines endorsed by the Director-General of the Department of Planning, Industry and Environment that enable an ‘*architectural design competition*’ for the design of a building or larger site containing more than one building.
- 1.9 **EOI** means a public Expression of Interest process used by CN for the selection of members of the UDRP.
- 1.10 **LCAC means the Liveable Cities Advisory Committee.**
- 1.11 **LEP** means the Newcastle Local Environmental Plan 2012 or its successor.
- 1.12 **Manager** means Manager Regulatory, Planning and Assessment of CN (or equivalent role with primary responsibility for managing CN’s development assessment functions).
- 1.13 **Member** means a member, alternate member and the chairperson of the Urban Design Review Panel, appointed in accordance with clause 6.
- 1.14 **Minister** means the Minister of Planning, Environment and Industry.
- 1.15 **Panel Coordinator** means the CN officer charged with the responsibilities listed in clause 9.
- 1.16 **Selection Panel** means the panel convened by the CEO, who are responsible for the selection of UDRP Chairperson and Members in accordance with clause 6.

1.17 **SEPP 65** means *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*.

1.18 **The Act** means the *Local Government Act 1993*.

1.19 **Urban Design** is the collective term used to describe the process of designing and shaping cities and towns. Urban design addresses the larger scale of groups of buildings, of streets and public spaces, whole neighbourhoods and districts, and entire cities, to make urban areas functional, attractive and sustainable.

1.20 **UDRP** means Urban Design Review Panel.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Charter. A reference to applicants includes prospective applicants who have not yet lodged a development application.

2 Responsibilities

- 2.1 The responsibilities of the UDRP are to provide independent advice to CN and applicants about the quality of urban design and amenity provided for in development proposals.
- 2.2 Development proposals which will be referred to the UDRP for independent advice are outlined below:
- 2.2.1 Residential flat buildings
 - 2.2.2 Shop top housing
 - 2.2.3 Mixed-use development with a residential accommodation component
 - 2.2.4 Strata subdivision of serviced apartments
 - 2.2.5 Any proposal within the Newcastle City Centre that seeks to utilise clause 7.5 of the LEP - Design Excellence.
- 2.3 Development proposals may be referred to the UDRP for independent advice, due to their nature, location or scale, and likely impact upon the surrounding locality. Development types that may be referred are outlined below:
- 2.3.1. Boarding houses,
 - 2.3.2. Education establishments,
 - 2.3.3. Hospitals,
 - 2.3.4. Multi dwelling and attached dwelling developments comprising ten or more dwellings,
 - 2.3.5. Place of public worship,
 - 2.3.6. Seniors housings,
 - 2.3.7. Serviced apartments, and
 - 2.3.8. Tourist and visitor accommodation.
 - 2.3.9. Modification applications, where the development consent to be modified was subject to UDRP advice and the modifications are not minor.
 - 2.3.10. Any other development referred at the discretion of the Manager.

- 2.4 CN will not require a development application to be reviewed by the UDRP if an architectural design competition, consistent with the Director-General's Design Excellence Guidelines has been held.
- 2.5 Examine, evaluate and critique the urban design aspects of major commercial, industrial, residential, community and civic developments.
- 2.6 Assess the design quality of development proposals and identify how development proposals could be improved by design changes.
- 2.7 Critique plans for proposed developments and provide comments to applicants and their consultants on recommended modifications to improve the design quality of development proposals.
- 2.8 Identify and recommend improvements to development proposals necessary to achieve consistency with the design quality principles and the Apartment Design Guide.
- 2.9 Advise CN Officers on the design quality of development proposals, to assist with assessment of whether such applications warrant support because they contribute to an improvement in the built fabric of the local area.
- 2.10 As requested by the Manager, carry out a review of development control provisions as they relate to urban design outcomes for the City, as contained in any environmental planning instrument or development control plan that applies to the Newcastle Local Government Area.
- 2.11 As requested by the Manager:
 - 2.11.1 Advise CN Officers on the design quality of development proposals, to assist with assessment of whether such applications warrant support because they contribute to an improvement in the built fabric of the local area.
 - 2.11.2 As requested by the Manager, carry out a review of development control provisions as they relate to urban design outcomes for the City, as contained in any environmental planning instrument or development control plan that applies to the Newcastle Local Government Area.
- 2.12 As requested by the Manager:
 - 2.12.1 Critique plans for proposed civic developments prior to submission of a development application; and
 - 2.12.2 Carry out a review of proposed civic projects, including major changes or upgrades to civic spaces, including parks, foreshores and major streets.
- 2.13 Undertake the functions of a design review panel, as outlined in SEPP 65.
- 2.14 Undertake the functions of a Design Review Panel as outlined in '*design excellence*' provisions of the LEP.

3 Background, Establishment and Dissolution

- 3.1 In 2005, *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) was established, including a mechanism for the formation of Design Review Panels.
- 3.2 The UDRP may be terminated in such circumstances as the Minister or the CEO determines.

4 Authority of Panel

- 4.1 The UDRP is an advisory panel only. In carrying out its responsibilities, the UDRP must at all times recognise that primary responsibility for management of the UDRP rests with CN.
- 4.2 The UDRP has no delegated authority to determine applications, nor are its recommendations binding on CN's determination of an application.
- 4.3 The minutes of the UDRP, which record the Panel comments, should be treated only as recommendations of the UDRP. The UDRP has no executive powers and cannot make decisions on behalf of CN under section 355 of the Act.
- 4.4 The UDRP is not a CN committee as defined in section 360 of the Act, because its membership is not constituted solely by Councillors.
- 4.5 Neither the UDRP nor any of its members may direct a CN Officer in their duties.
- 4.6 An Instrument of Delegation, dated 12 June 2015, delegates the responsibility for functions under Part 3 Division 1 of the *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*, in relation to design review panels to CN.

5 Membership

- 5.1 The UDRP is constituted by the following membership, which cannot be delegated:
 - 5.1.1 A Chairperson
 - 5.1.2 Three Members
 - 5.1.3 Two Alternate Members
- 5.2 The Chairperson and Members (and Alternate Members) are appointed by the Selection Panel and the positions are held for a period of three years.
- 5.3 The Chairperson and Members are entitled to vote on advice and recommendations on applications before the UDRP.
- 5.4 In the case of a tied vote, the Chairperson has the casting vote.

6 Selection of UDRP Members

- 6.1 The UDRP members will be selected from applications received during a public EOI process, which will occur every three years. A Selection Panel will be convened by the CEO and be responsible for the selection of the UDRP Chairperson and Members.
- 6.2 Applicants for positions on the UDRP can nominate for one or all of the available positions on the UDRP, ie. Chairperson, Member or Alternate Member.
- 6.3 Applicants will be assessed and appointed by the Selection Panel against the following membership criteria:
 - 6.3.1 Appropriate qualification and demonstrated experience in the design of apartment developments in relation to architecture, landscape architecture or urban design.
 - 6.3.2 Demonstrated highly developed skills and experience in urban analysis of local planning strategies and policies (eg. local environmental plans, development control plans, precinct plans and town centre revitalisation) that contain provisions for apartment development.
 - 6.3.3 Knowledge or understanding of local Council policies and development controls.
 - 6.3.4 Knowledge of the design issues of the Newcastle Local Government Area.
 - 6.3.5 Ability to analyse, evaluate and report on complex design quality issues for development applications and strategic planning.
 - 6.3.6 Ability to develop design options and / or recommendations to ensure appropriate application of SEPP 65 design quality principles and the Apartment Design Guide.
 - 6.3.7 Ability to work in a multi-disciplinary team.
 - 6.3.8 Ability to liaise / negotiate with Local Government as well as the private sector.
 - 6.3.9 Good written and verbal communication skills including the ability to translate technical information into plain English.
 - 6.3.10 Knowledge, commitment and ability to implement CN standards, including those that relate to integrity, ethics, safety, anti-discrimination and equity.
 - 6.3.11 Any other determined selection criteria.
- 6.4 The selection of the UDRP Members and Alternate Members will be by majority vote by the Selection Panel. Each Selection Panel member has one vote on each prospective nominee, to appoint Members and Alternate Members to the UDRP who are considered to best meet the criteria set out in clause 6.3.
- 6.5 Assessment by the Selection Panel may include an interview with the applicant and checking of references and qualifications.

- 6.6 In forming the UDRP, the Selection Panel are to ensure that at least two Members of the UDRP have extensive experience and appreciation of the design issues of the Newcastle Local Government Area and that all Members, as far as possible, can demonstrate an individual and / or collective mix of the disciplines referred to in clause 6.3.
- 6.7 A person is not eligible for appointment as the Chairperson, Member or Alternate Member of the UDRP, if the person is an officer or employee or is related to an officer or employee of CN. In this context, an officer includes a Councillor.
- 6.8 Upon being appointed to the UDRP, Members and Alternate Members will be required to sign a Community Representative Member Undertaking Form. This will outline the Member's responsibilities and required conduct as a Member of the UDRP.
- 6.9 In the event that a vacant position on the UDRP arises outside the nominated three year cycle, at the time the vacancy arises, the following may occur:
 - 6.9.1 The position of Chairperson may be filled by virtue of an EOI from among the Members of the UDRP.
 - 6.9.2 The position of Member may be filled by virtue of an EOI among Alternate Members of the UDRP.
 - 6.9.3 The position of Alternate Member may only be filled via a public EOI process.

If no Member or Alternate Member EOI applications are received at the time of a vacancy on the Panel, a public EOI process will be conducted to fill vacancies, at the discretion of the CEO.
- 6.10 Upon forming the UDRP, CN will advise the Minister in writing on the membership (including Alternate Members) of the UDRP.

7 Responsibilities of the UDRP Members

- 7.1 Members are expected to:
 - 7.1.1 Understand the relevant legislative and regulatory requirements applicable to CN and the UDRP.
 - 7.1.2 Familiarise themselves with the agenda and documents prior to the UDRP meeting.
 - 7.1.3 Visit each site on the agenda prior to the UDRP meeting.
 - 7.1.4 Be able to contribute the time needed to understand the matters presented to the UDRP and to attend UDRP meetings.
 - 7.1.5 In accordance with this Charter, provide advice and feedback on matters brought before the UDRP.
 - 7.1.6 Treat all discussions and information about applications with sensitivity and confidentiality.
 - 7.1.7 Provide independent, fair and reasonable professional advice relative to the design quality principles of SEPP 65 and the Apartment Design Guide, where applicable.

- 7.1.8 Respond to and comment on material presented, providing constructive feedback to make amendments as required.
- 7.1.9 Assist to provide an annual report to the elected Council on resolved UDRP matters.

8 Responsibilities of the Chairperson

- 8.1 The responsibilities of the panel Chairperson include:
 - 8.1.1 To chair UDRP design review meetings.
 - 8.1.2 Ensure that the meeting agenda is followed and that allocated timeframes are adhered to.
 - 8.1.3 Ensure that discussion remains focused on the application or matter being considered and that advice relates to matters covered by SEPP 65 and the Apartment Design Guide.
 - 8.1.4 Ensure the advice and recommendations developed for each application are voted on by the panel. In the case of a tied vote, the chairperson has the casting vote.
 - 8.1.5 Ensure the panel endorses the minutes.
 - 8.1.6 Liaise with CN staff about the operation of the panel, where required.
 - 8.1.7 Attend Council meetings to brief Councillors on panel advice, when requested.
 - 8.1.8 Coordinate an annual report to the elected Council on resolved UDRP matters.

9 Responsibilities of Panel Coordinator

- 9.1 The Panel Coordinator is a senior CN Planning Officer nominated by the Manager.
- 9.2 The responsibilities of the nominated Panel Coordinator include:
 - 9.2.1 Determine the meeting schedule.
 - 9.2.2 Be the central point of contact between the UDRP Chairperson, Members, Alternate Members and other CN staff.
 - 9.2.3 Coordinate the operation of the UDRP, which may include arranging meeting venues which have appropriate space and room for applicants.
 - 9.2.4 Nominate Members and / or Alternate Members to attend the UDRP meetings, after consideration of the availability of Members for meetings and any declared conflict of interest.
 - 9.2.5 Prepare and distribute meeting invites, application information and agendas, ensuring sufficient notice is provided to all parties.
 - 9.2.6 Ensure in advance of each meeting that there will be a quorum.
 - 9.2.7 Arrange for relevant CN staff members to attend meetings.
 - 9.2.8 Facilitate UDRP Member endorsement of minutes.
 - 9.2.9 Distribute minutes to relevant parties and make them publicly available on CN's website within 14 days of the UDRP meeting.

- 9.2.10 Administer fee and Member remuneration payments.
- 9.2.11 Arrange for a summary of CN decisions on applications considered by the panel to be given to Members, providing feedback on consideration of applications and awareness of any other relevant matters.
- 9.2.12 Ensure new Members have been inducted and are briefed about the UDRP operation.

10 Termination of Membership

- 10.1 A Member may be terminated in the following circumstances:
 - 10.1.1 If the Member's term of office expires and the Member is not re-appointed; or
 - 10.1.2 If the Member is regularly unavailable for the UDRP meetings during a 12-month period; or
 - 10.1.3 If the Member dies or resigns from the UDRP; or
 - 10.1.4 In such other circumstances as the Minister or the CEO determines.

11 Attendance at meetings

- 11.1 Attendance at any meeting of the UDRP is limited to the following:
 - 11.1.1 Members of the UDRP
 - 11.1.2 Chairperson
 - 11.1.3 Panel Coordinator
 - 11.1.4 Manager
 - 11.1.5 CN staff, who attend meetings to brief UDRP Members and fulfill administrative roles but are not members of the UDRP
 - 11.1.6 Applicants and their representative who are invited to make a presentation to the panel about their development
- 11.2 Applicants and their representatives will not be present during the UDRP debrief with CN staff.
- 11.3 Meetings of the UDRP are not open to the general public.

12 Meeting administration

- 12.1 The Panel Coordinator is responsible for ensuring that the UDRP has adequate secretarial support and access to administrative resources.
- 12.2 All development applications, for which a referral to the UDRP is required (for indicative list of application types, see clause 2), will be referred to the UDRP for comment, prior to determination of such applications. Development proposal documentation will be provided to the UDRP in electronic format.

- 12.3 Applicants, for all items referred to the UDRP, are required to lodge an application and pay a fee for consultation with the UDRP in accordance with CN's adopted Schedule of Fees and Charges. The fees are set in accordance with the *Environmental Planning and Assessment Regulation 2000*.
- 12.4 Consultation with the UDRP prior to submitting a relevant development application is strongly recommended. Attending a meeting of the UDRP prior to lodging a formal development application may be beneficial to the preparation of a quality development application.
- 12.5 Development proposals that are reviewed by the UDRP prior to submitting a development application, are required to be further reviewed by the UDRP after a development application is submitted.
- 12.6 Members of the UDRP are entitled to remuneration, determined on the basis of the length of meetings that they attend and if they are fulfilling the role of Chairperson. The fees paid exclude Goods and Services Tax and include preparation time and travel costs, unless separate prior written agreement has been reached with the CEO.
- 12.7 Payments for service to the Chairperson, Members and Alternate Members will be made in accordance with the terms within the last public EOI.
- 12.8 Members of the UDRP will be compensated for extraordinary work, requested by the Manager, such as the annual report to Councillors, based on an hourly rate.
- 12.9 The endorsement of minutes is not extraordinary work.

13 Quorum

- 13.1 Each meeting is to maintain a quorum.
- 13.2 A quorum consists of three Members or Alternate Members.
- 13.3 The Chairperson is considered a Member for the purpose of establishing a quorum.
- 13.4 If less than three members are present, there is no quorum and the meeting cannot proceed.

14 Meeting schedule

- 14.1 The UDRP meetings will be scheduled to meet CN's operational needs.
- 14.2 Generally, one UDRP meeting will be held on the last Wednesday of each month.
- 14.3 If no items are scheduled to be presented to the UDRP, the meeting will be cancelled, a minimum of one week prior to the scheduled date.
- 14.4 If more than one meeting is required in a given month, two-weeks' notice will be given to the UDRP of the additional meeting.

- 14.5 On occasion, outside the scheduled UDRP meeting, the UDRP may be requested to provide advice and / or clarification to CN officers on development proposal previously subject to their review.

15 Meeting agenda

- 15.1 Agenda items are determined by applications received. Items will be placed on the agenda for the next available meeting.
- 15.2 Each agenda item will be allocated an equitable time slot on the agenda, adjusted for complexity where appropriate, to allow fair and reasonable consideration of the application and time for a brief presentation by the applicant or their representative, as well as questions of them by the Panel.
- 15.3 Each agenda item will be accompanied by a brief development assessment overview prepared by CN's staff, giving a summary of the development's compliance with the key SEPP 65 requirements and CN development standards.
- 15.4 The Chairperson is to preside at a meeting of the UDRP. If the Chairperson is absent from a meeting, a Member will be nominated by the UDRP Members present to chair the meeting.
- 15.5 Each meeting of the UDRP generally comprises of, but not limited to:
- 15.5.1 Briefing to the UDRP Members by a CN Officer
 - 15.5.2 Invite to the applicant to attend the meeting
 - 15.5.3 Briefing to the UDRP Members by the applicant or their representative
 - 15.5.4 UDRP questions and discussion with the applicant
 - 15.5.5 Chairperson preliminary summary of advice to applicant
 - 15.5.6 UDRP debrief, including with CN staff
 - 15.5.7 UDRP vote on recommendation and draft minutes

16 Recommendations of the UDRP

- 16.1 In providing its recommendations the UDRP will apply the Design Quality Principles of SEPP 65 to provide focused recommendations to:
- 16.1.1 Assist CN Officers with their assessment; and
 - 16.1.2 Provide guidance to the applicant on relative '*weighting*' of issues within the UDRP review. For example, the need for an energy efficient design (while still important, may be addressed elsewhere by mandatory requirements) may be considered less important than impacts on the streetscape by a major new building.
- 16.2 The UDRP endeavours to discuss all relevant matters at the meeting with the applicant, however, from time to time, further issues may become evident during deliberations following the meeting. The UDRP will bring any additional matter to the applicant's attention in the minutes of the meeting.

- 16.3 Advice should be consistent between scheme iterations. If significant changes are recommended that depart from previously issued advice they must be supported by full written justification.
- 16.4 The UDRP minutes will identify their recommendations and, where relevant, will outline alternate views in reaching that conclusion. The reports are intended to provide an opportunity for the applicant to understand the UDRP expectations by recommending that the application is either:
- 16.4.1 Supported, but potentially needing some identified issues to be addressed in the relevant development application.
- OR
- 16.4.2 Needing amendment to address identified issues and the amended proposal be presented to the UDRP for further consideration.

17 Reports

- 17.1 The Chairperson will be responsible to provide an annual report to the elected Council on resolved UDRP matters. The matters included in the report, must not relate to developments that are yet to be determined by the Council, so not to prejudice any future decisions of the elected Council or CN staff.
- 17.2 Other members may be requested to assist in the preparation of the annual report.

18 Minutes

- 18.1 Within 14 days of the UDRP considering a development proposal, the final minutes of the meeting will be provided to the applicant and where they relate to a current development application will be available from CN's website.
- 18.2 The minutes will include the UDRP's written recommendations, including any design changes considered necessary to improve the quality of the proposed development.

19 Conduct by members and attendees

- 19.1 All Members and attendees are expected to conduct themselves in accordance with CN's Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors.
- 19.2 Members are also expected to comply with CN's Media Policy and abide by CN's Statement of Business Ethics. Any breach of the Code of Conduct, Media Policy or Statement of Business Ethics is grounds for termination of membership of the UDRP, at the discretion of the CEO.
- 19.3 A Member of the UDRP who has a conflict of interest in any matter that is the subject of consideration by the panel and who is present at a UDRP meeting at which the matter is being considered:

This should be done in writing within 24 hours of receiving the meeting agenda, and

19.3.2 Must not take part in the consideration or discussion of the matter; and

19.3.3 Must not vote on the matter.

19.4 Where a conflict of interest is declared by a Member of the UDRP details will be included in the minutes of the meeting.

19.5 In the event that one or more Members are unable to participate due to a declared conflict of interest, the Panel Coordinator, in consultation with the Manager, may nominate an Alternate Member to attend and participate in the meeting.

19.6 The position of Alternate Member is to satisfy criteria set out in 6.3 and is selected from candidates considered during the EOI process.

20 Confidentiality

20.1 All matters considered by the UDRP, prior to a development application being submitted, are confidential. After lodgment of a development application, the final advice and recommendations from the UDRP, in the minutes of the meeting, will be available from CN's website.

20.2 All information relating to any proposal being reviewed by the UDRP is communicated to the UDRP Members in confidence.

21 Induction

21.1 The Panel Coordinator will provide new Members with relevant information and briefings on their appointment to assist them to meet their UDRP responsibilities.

22 Review of Charter

22.1 This Charter will be reviewed every four years and may be amended by resolution of the CEO.

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