



Warringah Development Assessment Panel (WDAP) Charter

1 Functions of WDAP

The functions of the Warringah Development Assessment Panel (WDAP) are to:

- (a) determine development applications and modification of consent applications that are within the delegations of those functions to the WDAP from the Council;
- (b) conduct independent public hearings for Category Three development applications under Warringah Local Environmental Plan 2000;
- (c) provide an independent and open forum for interested persons and the community to make submissions relevant to the applications before WDAP;
- (d) provide increased transparency for the determination of significant development applications made to the Council; and
- (e) achieve good urban design and development outcomes consistent with the relevant legislation and planning controls.

2 Constitution of WDAP

2.1 Members

The WDAP is a body constituted for the purpose of delegation of functions by the Council under Section 377 of the Local Government Act and consists of the following members:

- (a) a lawyer who is currently admitted to practice law in New South Wales as Barrister or Solicitor; or non-lawyers but professionals with exceptional levels of experience such as retired Land and Environment Court Commissioners to apply for the position, and
- (b) a professional expert with a university degree in urban design; and
- (c) a professional expert with a university degree in environmental science or relevant environmental field;
- (d) a pool of three (3) community representatives

2.2 Appointment

Members of the WDAP shall be appointed by the General Manager by the Memorandum of Understanding (Schedule 1) signed by each member and the General Manager.

2.3 Term

The term of the members of WDAP appointed by the General Manager shall be for a period of two (2) years with an option to extend the term again a further 2 years.

2.4 Remuneration

A member or an alternate member is entitled to be paid such remuneration as the General Manager shall from time to time determine in respect of the member.

2.5 Chairperson

The Chairperson of the WDAP shall be the lawyer member. Should the lawyer not be present / available for a meeting the members attending shall elect a Chairperson.

2.6 Alternates

The General Manager may, from time to time, appoint a person to be the alternate to a member, and may revoke any such appointment.

While acting in place of a member, the alternate member has all the functions of the member and is taken to be a member.

2.7 Vacancies

The office of a member becomes vacant if the member:

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by instrument in writing addressed to the General Manager, or
- (d) is removed by the General Manager from office for any or no reason and without notice.

2.8 Filling of Vacancies

If the office of a member becomes vacant, a person may, subject to this charter, be appointed to fill the vacancy.

2.9 Meetings of WDAP

A meeting of WDAP will generally consist of four (4) members, i.e. the lawyer, the urban designer, the environmental expert and one (1) community representative. The Chairperson may request that one or more additional community representatives from the pool of community members, be available to attend meetings for controversial or significant items. Each additional community representative, at the discretion of the General Manager, will be an additional member of the WDAP with full voting rights. Each member attending a meeting shall have one vote.

2.10 Quorum

A minimum of three (3) WDAP members shall form a quorum for a meeting.

2.11 Meeting and Other Processes

Proceedings of WDAP shall be by way of a public hearing for the purposes of hearing submissions on behalf of the applicant and other interested persons. On conclusion of the public hearing, the WDAP will convene in closed session to consider its findings and make a determination.

The meetings and other process of the WDAP will be undertaken in accordance with the WDAP and WDRP Operational Guidelines published by the General Manager from time to time.

2.12 Determinations/Decisions

Determinations and any relevant decision of the WDAP shall be made by a majority of votes of members present at a meeting and voting. If votes are tied the Chairperson will have the casting vote.

3 Obligations of Members

3.1 All WDAP member/s 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.

- (a) WDAP member/s must perform their obligations under this agreement faithfully and diligently and must, at all times, act in accordance with the Code of Conduct (Schedule 2) and the requirements of the WDAP Charter. If WDAP member/s do not comply with the Code of Conduct or the WDAP Charter, the General Manager may terminate the WDAP member's appointment without notice.
- (b) Except as required to properly perform their duties, WDAP member/s must not disclose any confidential information (as advised by Council) obtained in connection with the WDAP functions.
- (c) WDAP member/s shall not make verbal or written statements of any description to any newspaper, television station or radio network or to any person associated with such organisations, in connection with any work undertaken in connection with the WDAP functions.
- (d) WDAP member/s may communicate with senior staff of Warringah Council, including the Director of Planning and Development Services, Manager Development Assessment and with all other staff reasonably required for the performance of their duties.
- (e) WDAP member/s must attend all meetings reasonably required by the General Manager and the Director, Planning and Development Services or delegate.
- (f) WDAP member/s will have read and be familiar with the documents provided by Council prior to attending a WDAP meeting.
- (g) The relationship between the Council and the WDAP member/s is that of a client and independent contractor, and nothing shall be taken as constituting the WDAP member/s or any of their employees as an employee or servant of the Council.

3.2 Nothing causes the WDAP members or any of their employees or agents:

To be the legal representative, agent, joint venturer or partner of the Council; or

To have authority to assume or create any obligations of any kind or to make any representations or warranties on behalf of the Council or to bind the Council in any respect (unless in exercising its delegations in the determination of development applications).

3.3 WDAP members must act in accordance with Warringah Council Occupational Health & Safety Risk Procedures Manual.

4 Additional Documentation

The following documents are to be read in conjunction with this Charter:

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| Schedule (1) | WDAP Memorandum of Understanding |
| Schedule (2) | Code of Conduct – WDAP and WDRP |