

Attachment D

**Draft Terms of Reference of the Design
Advisory Panel Residential Subcommittee**

Terms of Reference Design Advisory Panel Residential Subcommittee

1. Purpose

- 1.1 The City of Sydney has established a Residential Subcommittee to the existing Design Advisory Panel, to provide high level independent expert advice and expertise on urban design, architecture, landscape architecture and sustainability for Housing SEPP applications (formerly SEPP 65) and similar residential applications. This advice will assist the City of Sydney in its promotion and delivery of high-quality built environments and design excellence. The Subcommittee will support and supplement the existing City of Sydney Design Advisory Panel.
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2. Advice to the City

2.1 Scope

The Design Advisory Panel Residential Subcommittee (the Subcommittee) will be required to provide high-level independent advice and expertise on matters relating to urban design, architecture, landscape architecture, heritage and sustainability including:

- (a) Development Applications for ~~SEPP 65 applications~~, multi-unit housing projects, mixed use developments, student housing, boarding houses and other development proposed under the ~~Affordable Rental~~ Housing SEPP (except where a Design eExcellence Competition process has been held for the project).
- (b) Pre-lodgement applications for ~~SEPP 65 applications~~, multi-unit housing projects and mixed-use developments (except where a Design eExcellence Competition process has been held for the project).
- (c) Any other development application where council staff are of the opinion that the assessment would benefit from referral to the Subcommittee.

Note - section ~~96~~ 4.55 applications to modify an approval where the Design Advisory Panel provided advice will not be referred to the sSubcommittee for review (except where significant changes are proposed).

2.2 Reference to material

The Subcommittee will make recommendations and provide advice to the City on matters referred to it, having regard to the material forwarded to it in each case.

2.3 Subcommittee provide advice only – no delegation or power of functions

The Subcommittee is an advisory panel and is not a committee of or established by the City of Sydney. It has no power or authority, whether by delegation, agency or otherwise to exercise any function, right, duty or power of the Council, whether under a statute or other law, as a landowner, or in any other capacity. Opinions of the Subcommittee are advisory only and do not have any determinative weight in relation to the assessment of an application. The Subcommittee will supplement the existing Design Advisory Panel.

3. Members

- 3.1 The City will seek to appoint members who are highly recognised in the design profession and who have demonstrated experience and knowledge of urban design, architecture, landscape architecture, heritage, sustainable design, ~~SEPP 65~~ Housing SEPP and the Apartment Design Guide.
- 3.2 The ~~Design Advisory Panel Residential~~ Subcommittee will consist of four (4) members at any one time. At least one, and not more than two members will be sitting members of the Council's Design Advisory Panel. The remaining ~~s~~Subcommittee members will be drawn from a pool on a rotating basis.
- 3.3 The City will appoint a pool of members who are highly recognised in their profession and have extensive expertise, experience, and design achievement in multi-unit residential architecture, SEPP 65 and similar developments. Sitting members of the Subcommittee will be selected from the pool on a rotating basis.
- 3.4 Rotating selection from the pool of ~~s~~Subcommittee members will allow the ~~s~~Subcommittee to be constituted to include expertise for particular matters if required (e.g. ~~ensuring~~enabling at least one sitting member has heritage expertise when reviewing an application with heritage implications).
- 3.5 Members were engaged for an initial term of three years. Terms will be reviewed every ~~two~~ three years.
- 3.6 If a member resigns from the Subcommittee, the City may appoint a replacement member who has similar skills and experience. ~~The appointment may be made by the Chief Executive officer, based on recommendations made by the Director City Planning, Development and Transport.~~
- 3.7 The appointment of new or replacement members may be made by the Chief Executive Officer, in consultation with the Lord Mayor. Recommendations of proposed appointments will be made by the Director City Planning, Development and Transport.

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- 3.8 Recommendations will be sourced from a pool of candidates created through an open Expression of Interest. Candidate selection will be assessed against the requisite panel member skills identified in the Terms of Reference.
- 3.9 If the requisite skills are not available in the candidate pool the appointment of new or replacement members may be made by the Chief Executive Officer, in consultation with the Lord Mayor.-Recommendations of proposed appointments will be made by the Director City Planning, Development and Transport.
- 3.10 Members of the Subcommittee will be paid sitting fees for attending the panel meetings and provision of other advice (including site inspections and pre-reading).
- 3.11 Subcommittee members are expected to invoice Council for days worked in a timely manner.
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4. Chairperson

- 4.1 A ~~Panel~~Chair will be appointed by the Director City Planning, Development and Transport. The member appointed as the ~~Panel~~Chair will chair the meeting, and review/signoff meeting minutes.
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5. Conduct and Disclosures

- 5.1 Members must act lawfully and with honour, integrity and professionalism and comply with the City's Code of Conduct.
- 5.2 Members who have a pecuniary or non-pecuniary interest in any matter which the ~~Panel~~Subcommittee is asked to review, must disclose the nature of the interest as soon as practicable.
- 5.3 A member who has a pecuniary interest or significant non-pecuniary interest in a matter with which the ~~panel~~Subcommittee is concerned must not be present at any meeting ~~of the panel~~ at which the matter is being discussed or considered. A significant non-pecuniary interest generally relates to close family relations, close business or friendships or strong associations with an organisation, sporting body or club.
- 5.4 A member who has a non-pecuniary interest in the matter with which the ~~panel~~Subcommittee is concerned where the interest is not significant and does not present a conflict of interest must declare the interest at the meeting and advise the meeting why it is not significant and why it therefore does not present a conflict of interest.
- 5.5 A disclosure about a pecuniary or non-pecuniary interest must be recorded in the minutes of the meeting.
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6. Meeting Procedures

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- 6.1 The Subcommittee will meet at such place and time as notified to the members by the City. It is expected that the Subcommittee will meet monthly during ordinary business hours. However, depending on circumstances and needs, the number and frequency of meetings may change.
- 6.2 Panel meetings will ordinarily be scheduled for a full day (10.00am to 4.30pm). Shorter meetings will occur in the event there is not a full agenda.
- 6.3 One hour maximum will be allocated to each item on the agenda.
- 6.4 Each hour time slot will generally be structured as follows:
 - (a) Assessment planner/urban designer to provide a brief overview of the key issues with the DA (10 minutes)
 - (b) At the applicant's request, the applicants representative and/or architect may present to the subcommittee (30 minutes)
 - (c) Applicant leaves the meeting and the panel deliberate the matter with planning staff/urban design staff (20 minutes).
- 6.5 The meeting agendas are to be approved by the Director City Planning, Development and Transport or their delegate. The agenda and supporting documentation will be circulated to the members of the sSubcommittee 7 days prior to the panel meeting. The 7-day period will provide sSubcommittee members with sufficient time to inspect the sites and review the documentation prior to the meeting commencing.
- 6.6 Staff of the City of Sydney may attend the Subcommittee meetings as observers.
- 6.7 The relevant staff member will be responsible for drafting the minutes of the meeting, which will be provided to the Subcommittee Chair for signoff prior to circulation.
- 6.8 The minutes are to include the following:
 - (a) A statement of the status and purpose of the meeting;
 - (b) Attendance and apologies;
 - (c) Declarations of interest;
 - (d) History of the application and a record of all previous recommendations made by the Design Review Panel/sSubcommittee.
 - (e) Summary of recommendations

- 6.9 The minutes are to be finalised within 7 days of the meeting being held.

7. Consideration by the Subcommittee and Providing Advice

- 7.1 Individual Subcommittee members may be engaged by Council to provide advice to Council staff on specific projects and are required to report back to the Subcommittee on their review. The Subcommittee may also recommend a member reviews a specific project and reports back to the panel.
- 7.2 The minutes of each Subcommittee meeting will be made available to council staff, the applicants, and Councillors, and will be included in development assessment reports and any reports provided to the Council's ~~Planning Committee~~, Local Planning Panel and Central Sydney Planning Committee as appropriate.

8. Review

- 8.1 The Terms of Reference and operation of the Design Advisory Panel Residential Subcommittee may be reviewed by the City from time to time and will be reviewed at the end of each ~~after the initial term of three years~~.