

Item 6.

Public Art Advisory Panel, Design Advisory Panel and Design Advisory Residential Subcommittee - Reappointment of Members

File No: X002289.005

Summary

In June 2022, Council endorsed the reappointment of the City's Design Advisory Panel (DAP), the Design Advisory Panel Residential Subcommittee (DAPRS) and the Public Art Advisory Panel (PAAP) until 30 June 2024.

Council approved the establishment of Design Advisory Panel in April 2007. The Design Advisory Panel provides the City with independent expert advice on urban design, architecture, landscape architecture, heritage, public art, and sustainability matters, in accordance with its Terms of Reference. Appointed for an initial two-year term in 2007, Design Advisory Panel members have been reappointed for further terms between 2009 and 2022.

Council approved the establishment of Design Advisory Panel Residential Subcommittee in December 2017 and it was formed in 2018. The Design Advisory Panel Residential Subcommittee provides independent expert advice on urban design, architecture, landscape architecture, heritage, and sustainability matters, for multi-unit residential (former SEPP 65) applications and other residential applications in accordance with its terms of reference, Housing SEPP and the Apartment Design Guide.

Council approved the establishment of Public Art Advisory Panel in March 2007. The Public Art Advisory Panel provides the City with independent expert advice on public art proposals including the assessment of public art proposals in private developments, on the implementation of the City's public art program (City Art), and implementation of the City Art Public Art Strategy; ensuring a high standard of public art in the public domain of our City and through private and public development.

The current two-year term for members on all panels will expire on the 30 June 2024. This report recommends re-appointment of all current and available members of the Design Advisory Panel, Design Advisory Panel Residential Subcommittee and Public Art Advisory Panel for a further three years, amending the term (from two years) to align with all other City Panels, and updates to each Panel's Terms of Reference accordingly. This report also recommends a process for selecting new members through an Open Expression of Interest process.

Recommendation

It is resolved that:

- (A) Council endorse the reappointment of the following Design Advisory Panel members for a further three-year term ending on 30 June 2027: Professor Ken Maher (Chair) AO, Peter Mould (Deputy Chair), Professor Kerry Clare, NSW Government Architect Abbie Galvin, Professor Richard Johnson AO, Emeritus Professor James Weirick, Emily McDaniel, Rachel Neeson and Che Wall;
- (B) Council endorse the reappointment of Professor Ken Maher AO as Chair of the Design Advisory Panel and Peter Mould as Deputy Chair for a further three-year term ending on 30 June 2027;
- (C) Council endorse the revised Design Advisory Panel Terms of Reference as shown at Attachment B to the subject report;
- (D) authority be delegated to the Chief Executive Officer, in consultation with the Lord Mayor, to appoint any new members to the Design Advisory Panel within the three-year term as per the revised Terms of Reference as shown at Attachment B, should the need arise;
- (E) Council endorse the reappointment of the following Design Advisory Panel Residential Subcommittee members for a further three-year term ending on 30 June 2027: Professor Kerry Clare, Dr Libby Gallagher, Dr Michael Zanardo, Matthew Pullinger, Paul Berkemeier, Alexander Koll and Tony Caro;
- (F) Council endorse the reappointment of Professor Kerry Clare as Chair of the Design Advisory Panel Residential Subcommittee for a further three-year term ending on 30 June 2027;
- (G) Council endorse the revised Design Advisory Panel Residential Subcommittee Terms of Reference as shown at Attachment D to the subject report;
- (H) authority be delegated to the Chief Executive Officer, in consultation with the Lord Mayor, to appoint any new members to the Design Advisory Panel Residential Subcommittee within the three-year term, as per the revised Terms of Reference as shown in Attachment D, should the need arise.
- (I) Council endorse the reappointment of the following Public Art Advisory Panel members for a further three-year term ending on 30 June 2027: Felicity Fenner (Chair); Anne Loxley (Deputy Chair), Tony Albert; Judith Blackall; Professor Richard Johnson AO; Janet Laurence and Louise Zhang;
- (J) Council endorse the reappointment of Felicity Fenner as Chair of the Public Art Advisory Panel and Anne Loxley as Deputy Chair for a further three-year term ending on 30 June 2027;
- (K) Council endorse the revised Public Art Advisory Panel Terms of Reference as shown at Attachment F to the subject report; and

- (L) authority be delegated to the Chief Executive Officer, in consultation with the Lord Mayor, to appoint any new members to the Public Art Advisory Panel within the three-year term, as per the revised Terms of Reference as shown in Attachment F, should the need arise.

Attachments

- Attachment A.** List of Design Advisory Panel Members and Short Biographies
- Attachment B.** Draft Terms of Reference of the Design Advisory Panel
- Attachment C.** List of Design Advisory Panel Residential Subcommittee Members and Short Biographies
- Attachment D.** Draft Terms of Reference of the Design Advisory Panel Residential Subcommittee
- Attachment E.** List of Public Art Advisory Panel Members and Short Biographies
- Attachment F.** Draft Terms of Reference of the Public Art Advisory Panel

Background

1. The City's Design Advisory Panel (DAP), Design Advisory Panel Residential Subcommittee (DAPRS) and Public Art Advisory Panel (PAAP) provide the City with independent expert and technical advice on policies, projects and operations that relate to city planning, urban design, architecture, landscape architecture, heritage, sustainable design and public art.
2. Panel member knowledge, continuing involvement in complex projects and strategy development and expert advice is an essential and invaluable City resource for the development of policies and projects, and the assessment of planning, design and public art proposals and applications.

Design Advisory Panel

3. Council approved the establishment of DAP in April 2007. Members were appointed for an initial two-year term and then reappointed for further terms in March 2009, April 2011, August 2013, December 2015, June 2017, June 2019, and June 2022.
4. Current DAP members include Professor Ken Maher AO (Chair), Peter Mould (Deputy Chair), Professor Kerry Clare, NSW Government Architect Abbie Galvin, Professor Richard Johnson AO, Emeritus Professor James Weirick, Emily McDaniel, Rachel Neeson and Che Wall.
5. Since its inception, DAP has reviewed and provided advice on over 600 development applications, planning proposals and pre-planning proposals, 235 city capital works and design proposals, 110 strategy and policy positions, masterplans, studies, and state significant projects and Panel members have helped investigate in-depth many key projects and proposals through smaller sub-committees.
6. DAP has provided advice on the design and implementation of important city-shaping strategies and projects, including Sustainable Sydney 2030, Sustainable Sydney 2030-2050 Continuing the Vision, Green Square Town Centre, the transformation of George Street into a world class pedestrian and light rail boulevard and many other private developments, planning proposals and development applications - highlighting the City's ongoing commitment to excellence in urban design and planning.
7. In March 2019, the DAP participated in the City's 'Sydney 2050, your ideas for our city's future' workshop with all the City's other advisory panels. This was an appropriate continuation of its ongoing engagement with strategic planning at the City, and its involvement in the evolution of Sustainable Sydney 2030-2050 Continuing the Vision, the City's updated community strategic plan.
8. Based on the value provided to the City by the current diversity of skills and experience of DAP membership, its corporate knowledge and familiarity with ongoing complex development applications, urban design strategies, major projects, and the impact of the City's planning strategies, and willingness to continue, it is recommended that all of the current members of the Panel be reappointed for a further term of three years to 30 June 2027. Many of the key projects take many years to be realised and the continued membership of the Panel provides streamlined and consistent advice.

9. In accordance with Part 4 of the DAP Terms of Reference, it is recommended that Professor Ken Maher AO be reappointed as Chair of the DAP for a further term of three years. It is also recommended that Peter Mould be appointed Deputy Chair for a further three-year term.

Design Advisory Panel Terms of Reference

10. The Terms of Reference for the DAP were originally developed and approved in 2007. The Terms of Reference were the subject of review in 2011, 2017 and again in 2022. In June 2022, Council approved the revised terms of reference and delegated authority to the Chief Executive Officer, in consultation with the Lord Mayor, to further revise the terms of reference as required.
11. The Terms of Reference of the Design Advisory Panel are proposed to be revised, in line with best practice and are attached in draft form (Additions in underlined text and deletions in strikethrough).
12. Currently one vacancy exists and it is recommended one additional member be added to ensure a sufficient number of members at meetings in case of conflicts. One of these members will also be considered as an overlap member with the PAAP. These will be filled through the Expression of Interest Register outlined in the Terms of Reference.

Design Advisory Panel Residential Subcommittee (DAPRS)

13. Since its meeting inception in September 2018, the DAPRS has assisted the City in its promotion and delivery of high-quality built environments and design excellence. It has supported and supplemented the DAP and the work of the City's Planning Assessments Unit.
14. Current DAPRS members are Professor Kerry Clare (Chair), Paul Berkemeier, Tony Caro, Dr Libby Gallagher, Alexander Koll, Matthew Pullinger and Dr Michael Zanardo.
15. All DAPRS members have provided constructive commentary on design excellence issues. The chair, Professor Kerry Clare (who is also the cross-over DAP member), has led all meetings and coordinated the finalisation of minutes.
16. Subcommittee minutes in the form of advice sheets are timely, concise and provide clear advice for the Development Application planners, applicants, design managers and other stakeholders.
17. The panel rotation and substitution set-up has endured so that any conflict of interest is identified and dealt with in advance and that a quorum is present at all subcommittee meetings.
18. The reappointment of all the existing DAPRS members is recommended for a further three-year term.
19. The DAPRS Terms of Reference state that the subcommittee will consist of four members at any one time. At least one, and not more than two members will be sitting members of Council's DAP. The remaining subcommittee members will be drawn from a pool on a rotating basis.

20. In addition to the reappointment of existing DAPRS appointment of one additional DAP member to the DAPRS is recommended, as per the terms of reference.
21. Professor Kerry Clare is currently the sole DAP member that also sits on the DAPRS. The appointment of a second DAP representative to the DAPRS would spread the work of chairing the subcommittee and would improve resilience and flexibility. Current terms of reference require at least one DAP member to be present at DAPRS meetings.

Design Advisory Panel Residential Subcommittee Terms of Reference

22. In June 2022, Council endorsed the revised DAPRS Terms of Reference.
23. The Terms of Reference for the Design Advisory Panel Residential Subcommittee, have again been reviewed and amended to align with best practice and the DAP Terms of Reference.
24. The Draft terms of reference of the Design Advisory Panel Residential Subcommittee are attached (Additions in underlined text and deletions in strikethrough).

Public Art Advisory Panel (PAAP)

25. Council approved the establishment of PAAP in March 2007. Members were appointed for an initial two-year term and then reappointed for further terms in September 2009, September 2011, October 2013, December 2015, October 2017, September 2019, and June 2022.
26. Current PAAP members are Felicity Fenner (Chair), Anne Loxley (Deputy Chair), Tony Albert, Judith Blackall, Professor Richard Johnson, Janet Laurence, and Louise Zhang.
27. Panel member Professor Richard Johnson is the representative DAP member on PAAP, ensuring appropriate and consistent advice on cross-over projects.
28. Since the Panel's previous reappointment in June 2022, the PAAP has met 12 times. In that time, it has played a leading role in implementing the City Art Public Art Strategy 2011 and in formulating clear directions, criteria and processes for the commissioning of public art.
29. PAAP has offered advice to staff in City Projects and Property, City Life, City Planning, Development and Transport, City Design, and Strategy and Urban Analytics on a range of projects involving artists.
30. PAAP has provided advice to Council on proposals and the provision of public art in private developments to ensure the quality of public art is in keeping with the City's high standards for new development through Design Excellence, Voluntary Planning Agreements, and the Development Application process.

31. PAAP members are included in Evaluation Panels established by the City to select artists and public artworks in the Local Government Area. The Evaluation Panels generally include between two and three PAAP members. In certain situations, external experts are invited to participate, for example, in the selection of public art projects proposed for the Eora Journey; Recognition in the Public Domain Program.

Public Art Advisory Panel Terms of Reference

32. The Terms of Reference were amended, endorsed by Council, and approved by the Chief Executive Officer and Council on 27 June 2022. These are available on the City's website.
33. The terms of reference enable new members to be appointed where necessary, through delegation to the Chief Executive Officer, in consultation with the Lord Mayor, as per the Terms of Reference.
34. It is recommended that the two vacancies that exist be filled through the Expression of Interest Register outlined in the Terms of Reference and that one additional DAP crossover member be added to ensure adequate advice in case of conflicts of interest.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

35. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - The recommendation to re-appoint the DAP, DAPRS and PAAP supports the responsible and active management of the processes that govern the improvement in the quality of the planning, design and construction of the City's built environment and the capacity of the City to ensure the 2012 Local Environmental Plan Design Excellence provisions are carried out for the benefit of community into the future.
 - (b) Direction 3 - Public places for all - The reappointment of PAAP will assist with oversight of the delivery of the Eora Journey - Recognition in the Public Domain program, particularly the delivery of Yananurala, celebrating and making visible the history, stories and living culture of Aboriginal and Torres Strait Islander people in our public spaces through public art. The reappointment of DAP and DAPRS will assist in ensuring the delivery of the City's vision for a high-quality public domain where all the City's residents, workers and visitors can come to participate in the public life of the City. It also satisfies the NSW Government's requirements for Design Review of residential projects.
 - (c) Direction 4 - Design excellence and sustainable development - The recommendation to re-appoint the DAP, DAPRS and PAAP aligns with the City's Sustainable Sydney 2030-2050, Continuing the Vision to maintain the quality of the City's built environment and the capacity of the City to ensure the 2012 Local Environmental Plan Design Excellence provisions are carried out.

- (d) Direction 8 - A thriving cultural and creative life - PAAP's reappointment is consistent with the City's Public Art Policy and Strategy, contributing to the City's vision for a high-quality public domain and vibrant cultural life.
- (e) Direction 9 - A transformed and innovative economy - DAP, DAPRS and PAAP assist in the creation of a culture of design excellence, both within the city and within the relevant professions who contribute to the activities of the City and city-building.
- (f) Direction 10 - Housing for all - The recommendation to re-appoint the DAP, DAPRS supports the City's vision to see affordable housing and market housing delivered to meet the needs of the community, with improved quality and design outcomes to ensure these new homes meet the needs of the community into the future.

Organisational Impact

- 36. DAP, DAPRS and PAAP provide independent and high-level peer review of assessments made by City staff for development applications, strategic design, capital works projects and public art projects. The advice is a cost-effective tool for achieving design excellence and high-quality public art.
- 37. DAP, DAPRS and PAAP members do not have delegated authority from Council. They cannot make decisions or bind Council to any decision. They are advisory panels to City officers only.

Risks

- 38. Should the Council decide not to proceed with the reappointment of the DAP, DAPRS and PAAP this would detrimentally affect the City's ability to deliver on the commitments made in its strategic plan, Sustainable Sydney 2030-2050 Continuing the Vision regarding the general continual improvement in quality of the design and construction of the City's built environment, in particular affordable housing. Consistency of these well-functioning Panels is important to ensure timely, streamlined advice.

Social / Cultural / Community

- 39. DAP, DAPRS and PAAP ensure projects are subject to independent high-quality expert review and consider broader impacts on people, the City's communities, public spaces, public life, and the City's cultural landscape.

Environmental

- 40. DAP, DAPRS and PAAP review projects to ensure sustainable design outcomes are achieved where applicable.

Economic

- 41. The continuation of the DAP, DAPRS and PAAP supports the City's design, planning and cultural sectors by advocating for the role of high-quality design and public art in shaping the built form of the city and its public spaces.
- 42. The creation of innovative and high-quality architecture and public spaces in the City contributes to the ongoing development of the public and cultural life in the city and encourages people to visit and spend time in the City.

43. The process of design excellence which the Panels advocate for and provide advice on, creates specific opportunities for a range of creative thinkers including architects, urban designers, landscape architects, artists, in particular Aboriginal and Torres Strait Islander artists and creative thinkers, cultural knowledge holders and communities to shape the urban environment and public domain.

Financial Implications

44. There are sufficient funds allocated for the management of DAP, DAPRS and PAAP included in the City's draft operating budget for 2024/25 which is seeking approval as part a separate council report in the current reporting cycle.
45. Panel members are paid an hourly rate for attendance at meetings and minimal necessary preparation as required.

Relevant Legislation

46. Local Government Act 1993.

Critical Dates / Time Frames

47. Reappointment of the DAP, DAPRS and PAAP is required by 30 June 2024.

Options

48. Not continuing with the re-appointment of DAP, DAPRS and PAAP will jeopardise the City's ability to provide timely, high-quality, and independent advice to proponents, the City and Council.
49. Not continuing with the re-appointment of PAAP will compromise the City's public art program and negatively impact the quality of public domain and cultural life across the City.
50. Many of the key projects that the DAP, PAAP and DAPRS provide advice for take many years to be realised and the continued membership of the Panels enables the provision of streamlined and consistent advice.
51. In addition, based on the value provided to the City by the current diversity of skills and extensive experience that members of DAP, PAAP and DAPRS bring with them from their individual careers and practices, their corporate knowledge and familiarity with ongoing complex development applications, urban design strategies, major projects, and the impact of the City's planning strategies and ability to provide succinct, relevant and constructive advice it is not recommended that the Panel membership be replaced in its entirety as it would impact the City's ability to continue to provide consistent timely, high-quality, and independent advice to proponents, the City and Council.

52. The proposed process to create an Expression of Interest Register of candidates against the criteria in the Terms of Reference for DAP, PAAP and DAPRS through an open process will allow for the replacement of Panel members in a sustainable way which will ensure the effectiveness of the DAP, PAAP and DAPRS continues while ensuring a rigorous and equitable process for the appointment of new members.

Public Consultation

53. Advice offered by DAP, DAPRS and PAAP is advice to council officers. Community consultation is undertaken on individual projects as required. CEO Updates are provided to Council to keep them updated on projects. Advice on private sector projects are included in development applications and planning committee reports.
54. The City Art website, the regular City of Sydney newsletter and Expressions of Interest for new projects advertised publicly, keep the public aware of opportunities and progress of projects.

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