

Attachment B

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

Terms of Reference Design Advisory Panel

1. Purpose

- 1.1 The Design Advisory Panel (the ~~Advisory Panel~~) has been established to provide officers of the City of Sydney Council (the City) with high level independent expert advice and expertise on urban design, architecture, landscape architecture, heritage, art, and sustainability. The advice is to inform the assessment by Council officers of development applications with a view to promoting the delivery of ~~world-class~~ high quality urban design, architecture and sustainable and inclusive design in Sydney's buildings and public spaces. The advice is to inform the assessment process. It is not the purpose of the Advisory Panel to have a role in the process of determining development applications. ~~by elected representatives of Council.~~
- 1.2 These terms of reference set out the rules that members of the Panel must follow.
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2. Advice to the City

2.1 Scope

The Advisory Panel will, from time to time, be requested by the City to provide advice in relation to the matters referred to in 1.1 above, including:

- (a) significant urban design, architecture and landscape architecture projects intended to be undertaken by the City;
- (b) significant urban design, architecture and landscape architecture projects intended to be undertaken by the private sector;
- (c) development applications and projects that may have a significant public domain, public interest, heritage impact and/ or foreshore impact;
- (d) the Sustainable Sydney 2030-2050 projects, particularly regarding the future of the City's urban design and public domain quality;
- (e) the development and implementation of the City's planning and public domain policies as they affect urban design, architecture and landscape architecture;
- (f) how the City's public and private projects can achieve the City's stated environmental commitments and design excellence;
- (g) the procurement of design services;
- (h) the ~~Central Sydney Planning Strategy~~ and the City's planning controls including Local Environmental Plans and Development Control Plans.

2.2 Reference to certain material

The Advisory Panel will make recommendations and provide advice to the City on the matters referred to it, having regard to the material forwarded to it in each case, and in every case having regard to the City's adopted policies including the City's:

- (a) Sustainable Sydney 2030-2050. Continuing the Vision
- (b) Local Environment Plans and Development Control Plans
- (c) Corporate and Strategic Plans
- (d) Contract Policies
- (e) Public Domain Policies
- (f) Public Art Policies
- (g) Environmental Management Plans
- (h) Access Policies.

2.3 Panel provides advice only - no delegation of power of functions

- (a) The Advisory Panel is legally constituted pursuant to individual contracts between the City and its members to supply advisory services to the City.
- (b) It is not a Council Committee established under the Local Government Act.
- (c) It has no power or authority, whether by delegation, agency or otherwise, to exercise any function, right, duty or power of the City, whether under a statute or other law, as a landowner or in any other capacity.

3. Members

3.1 The City will seek to engage Advisory Panel members who are highly recognised in their profession and who:

- (a) have demonstrated experience and knowledge of urban design, architecture, landscape architecture, sustainable design and the arts;
- (b) possess the relevant skills and experience to provide judicious and independent expert advice.

3.2 The City will seek to engage individuals so that the Advisory Panel will consist of at least three and not more than ~~ten~~ eleven permanent members.

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- 3.3 ~~Permanent members will be engaged for an initial term of two years and reviewed subsequently every two years. Panel member terms will be reviewed every three years following the engagement of members or re-engagement of existing permanent members.~~
- 3.4 Panel members may resign by giving written notification to the City.
- 3.5 ~~If a permanent member resigns from the Advisory Panel, the City may appoint a replacement member who has similar expertise and skills. The appointment may be made by the Chief Executive Officer, in consultation with the Lord Mayor, based on recommendations made by the Design Director in consultation with the Director City Planning, Development and Transport.~~
- 3.6 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 Chief Executive Officer following consultation with the City Architect, Executive Manager City Design and Public Art and the Director City Planning, Development and Transport.
- 3.7 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 (TOR).
- 3.8 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 Chief Executive Officer following consultation with the City Architect, Executive Manager City Design and Public Art and the Director City Planning, Development and Transport.
- 3.9 Panel members will be paid for one hour of preparation and review time and sitting fees for attending the Panel meetings in accordance with their individual contracts.
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4. Chairperson

- 4.1 ~~The City CEO in consultation with the Lord Mayor will nominate and appoint a chairperson Chair of the Advisory Panel for an initial term of two years and reviewed subsequently every two years. at the beginning of each Panel term.~~
- 4.2 ~~If the position of chairperson Chair becomes vacant by reason that the they Chairperson resign from the position by written notice to the City, the City will appoint another chairperson Chair. The new chairperson Chair may be an existing or new member of the Advisory Panel.~~
- 4.3 ~~The chairperson Chair or their nominated representative from the Advisory Panel will accept appointment to the City's Public Art Advisory Committee.~~
- 4.4 ~~The Deputy Chair will replace the chairperson Chair when they are not available at meetings. If both the chairperson Chair and the Deputy Chair are unavailable, the Chair will nominate another Advisory Panel member to chair the meeting in advance. If the Chair is unavailable or is unable to nominate a temporary Chair, the Panel members present shall elect a temporary Chair at the commencement of the meeting.~~
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5. Conduct and Disclosures

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- 5.1 Members must act lawfully and with honour, integrity and professionalism and comply with the City's Code of Conduct.
 - 5.2 Without limiting 5.1, Panel members who have a pecuniary or non-pecuniary interest in any matter with which the Advisory Panel is concerned, must disclose the nature of the interest as soon as practicable.
 - 5.3 A Panel member who has a pecuniary interest or a significant non-pecuniary interest in a matter with which the Advisory Panel is concerned, must not be present at any meeting of the Advisory Panel at which the matter is being discussed or considered. A significant non-pecuniary interest generally relates to interests of close family relations, close business or friendships or strong affiliations with an organisation, sporting body or club.
 - 5.4 A member who has a non-pecuniary interest in a matter with which the panel is concerned where the interest is not significant and does not present a conflict of interest must declare the interest to the meeting and advise the meeting why it is not significant and why it therefore does not present a conflict of interests.
 - 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

- 6.1 The ~~Advisory~~ Panel will meet at such place and time as notified to the Panel members by the City. It is expected that it will meet approximately ten times a year on dates and at places to be set out in advance for each year.
- 6.2 The City may call an extraordinary meeting of the ~~Advisory~~ Panel with at least three days written notice to all members.
- 6.3 The ~~chairperson~~ Chair will preside as ~~chairperson~~ Chair at every meeting of the ~~Advisory~~ Panel, unless they are unavailable, in which case, clause 4.4 applies.
- 6.4 If the ~~chairperson~~ Chair is not present within ten minutes after the time appointed for the meeting, the Panel members may choose one of their number to be Chair for the purpose of the meeting.
- 6.5 Councillors and staff of the City may attend the meetings as observers and presenters.
- 6.6 The City will take minutes of the ~~Advisory~~ Panel meetings. The minutes will include the following:
 - (a) a statement of the status and purpose of the meeting
 - (b) attendance
 - (c) apologies
 - (d) declarations of interest
 - (e) a record of all recommendations made by the ~~Advisory~~ Panel.

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- 6.7 Meeting minutes will be reviewed and approved for circulation to the Panel members by the Panel Chair. The City will circulate minutes to all Panel members and all Panel members must confirm the accuracy of the minutes.
 - 6.8 The meeting agendas are approved by the ~~Design Director~~ City Architect/ Executive Manager City Design and Public Art and the Director of City Planning, Development and Transport.
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7. Consideration by the Panel and Providing Advice

- 7.1 Individual Panel members may be engaged by Council to provide advice to Council staff on specific projects and are required to report back to the full Panel on their review. The Panel may also recommend that individual Panel members review specific projects and report back to the full ~~Advisory~~ Panel.
 - 7.2 The approved meeting minutes are the report of the ~~Advisory~~ Panel.
 - 7.3 Meeting minutes will include Advice Sheets on specific projects reviewed by the Panel. Advice sheets will be made available to the City and to relevant proponents. Summaries of the advice provided by the Panel in relation to particular applications may be included in Council reports.
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8. Review

- 8.1 The terms of reference and operation of the ~~Advisory~~ Panel may be reviewed by the City Council ~~from time to time and will be reviewed after an initial term of two years.~~ at the end of each term to ensure ~~terms~~ they remain fit for purpose.