



# HERITAGE ADVISORY COMMITTEE CHARTER

Adopted: 27 April 2022

TRIM: 101571.2022



## HERITAGE ADVISORY COMMITTEE CHARTER

### 1. NAME

Heritage Advisory Committee Charter (**Charter**)

### 2. INTERPRETATION

For the purpose of this Charter:

"**CEO**" means the Chief Executive Officer Council;

"**Chairperson**" means the chair of the Committee;

"**Committee**" means the Heritage Advisory Committee;

"**Council**" means the Liverpool City Council;

"**Councillor**" means an elected Councillor of Council;

"**Mayor**" means the elected Mayor of Liverpool City Council; and

"**Member**" means a member of the Committee.

### 3. PURPOSE

The Committee has been established primarily to support the conservation and promotion of heritage within the Liverpool Local Government Area (**LGA**) by providing relevant community-based advice and assistance.

### 4. FUNCTIONS

The Committee shall:

- (a) review and comment on Council and NSW Government policies and strategies that affect heritage within the LGA and provide recommendations on conservation objectives, policies and overall direction, where appropriate;
- (b) advise and provide recommendations to Council about the nomination and deletion of heritage items and places from the Local Environmental Plan and State Heritage Inventory;
- (c) advise and assist Council in working with the community, to increase awareness of heritage matters through education and promotion, such as "Heritage Week" events, publications, seminars, public displays and workshops;

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- (d) act as a conduit between Council and the community about heritage matters;
- (e) act as a reference and peer review body as required for heritage surveys, conservation reports, planning studies and other heritage-related bodies of work;
- (f) advise and make recommendations about the management of the heritage collection at the Liverpool Regional Museum and Casula Powerhouse Arts Centre; and
- (g) advise and assist Council in the seeking external funding through third party grants, such as grants through the Heritage Council of NSW or other available sources.

### 5. OUTCOMES

The outcomes of the Committee are to:

- (a) provide a forum for input from the community and the professional heritage sector on matters of significance for heritage to the Liverpool LGA;
- (b) promote the natural and cultural heritage of the Liverpool LGA by increasing community awareness and understanding of heritage conservation;
- (c) advocate for the conservation of local heritage as a contributor to a sense of place and local identity;
- (d) support Council in advancing the aims of the Liverpool Heritage Strategy (as amended from time to time);
- (e) support Council in the development and implementation of strategies, policies and programs related to heritage conservation;
- (f) assist Council in the activation of heritage assets owned by Council, for the local community;
- (g) provide input to Council on heritage programming, exhibitions, education, and events; and
- (h) support Council in the conservation and promotion of Council's movable heritage collection.

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### 6. COMMITTEE DELEGATIONS

- (a) The Committee shall have no power to incur expenditure.
- (b) The Committee does not have the power to bind Council and does not of itself assume the status or possess the rights of a legal entity.
- (c) Recommendations made by the Committee which are determined by the CEO to be substantially operational will be dealt with by the relevant Director of Council, and any action or decision not to act will be reported to the Committee regularly.
- (d) Council employees are not bound by the direction of the Committee or any of its Members.

### 7. MEMBERSHIP

#### 7.1 No Authority to Co-Opt

The Committee does not have the authority to co-opt any person to its membership.

#### 7.2 Membership Structure

- (a) The Committee shall comprise 10 members, consisting of:
  - (i) **Councillor:** 2 Councillors approved by Council, 1 to act as Chairperson and the other as Deputy Chairperson;
  - (ii) **Community:** minimum 2 community representatives:
    - (A) from the Liverpool LGA; or
    - (B) with a strong connection with the Liverpool LGA; or
    - (C) with demonstrated understanding of Liverpool's history and heritage; or
    - (D) with a demonstrated understanding of the NSW Heritage management system.
  - (iii) **Industry Experts:** a maximum 2 industry experts from either within or outside the Liverpool LGA;
  - (iv) **First Nations:** at least 1 member of the First Nations community of Liverpool;

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- (b) Where 1 assigned Councillor is not available to attend a Committee meeting, another Councillor (not already a Member) and present at the meeting, can assume the vacant role for that meeting as a proxy.
- (c) It is encouraged (but not mandatory) to include a Member from each of the following organisations in the Committee:
  - (A) City of Liverpool and District Historical Society;
  - (B) Moorebank Heritage Group;
  - (C) Liverpool Genealogy Society;
  - (D) Gandangara Local Aboriginal Land Council; and
  - (E) Tharawal Local Aboriginal Land Council.
- (d) For any category where there are insufficient suitable nominations received, these can be supplemented with nominations from one or more of the other categories.
- (e) Members should have demonstrated knowledge and/or skills in one or more of the following:
  - (A) Indigenous Cultural Heritage;
  - (B) Local Heritage;
  - (C) Historical Research;
  - (D) Heritage Architecture;
  - (E) Collections Management;
  - (F) Heritage Tourism;
  - (G) Heritage Interpretation and Public Art; and
  - (H) Museum Exhibition Design and Development.

### 7.3 Applications

- (a) Applications for membership will take place through a publicly advertised expression of interest process, after which a recommendation will be submitted to the Council, for approval of the membership of the Committee.

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- (b) Applications from an organisation representative must be accompanied by endorsed minutes from a meeting of that organisation's executive endorsing the representative.

### 7.4 Nomination and Selection

- (a) Expressions of interest to participate in the Committee will be called for through the Council notices posted in the local media and Council's website.
- (b) The membership criteria for the Committee include the following:
  - (i) demonstrated interest in and knowledge of the heritage and history of Liverpool;
  - (ii) demonstrated knowledge and/or skills in one of the defined skillsets;
  - (iii) demonstrated interest in and knowledge of the challenges and opportunities affecting local heritage management;
  - (iv) a willingness to commit time to be actively involved in the Committee and to perform tasks related to Committee business;
  - (v) resident, ratepayer or a strong association with the Liverpool LGA, including a strong interest and understanding of the local heritage and history;
  - (vi) demonstrated practical experience in the advocacy, promotion, and protection of heritage within the Liverpool LGA; and
  - (vii) the ability to effectively listen, cooperate and constructively participate as a Member.
- (c) All nominations will be reviewed by Council's Governance Unit to ensure compliance with Council's Code of Conduct.
- (d) Advice received from Council's Governance Unit will be reviewed by a panel of 3 Council members including the Heritage Officer, Manager City Planning or Coordinator City Design and Public Domain, and a Council staff member separate from the Committee processes.

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- (e) The advice and the assessment of the nomination panel will be submitted to Council for endorsement.

### 7.5 Council Support

- (a) Councillors other than those appointed to the Committee may attend and observe and contribute, but not move, second, or vote on motions;
- (b) Council's Heritage Officer will attend Committee meetings as an ex-officio member and will provide professional advice to the Committee;
- (c) A Council staff member will attend meetings to provide administrative support to the Committee. Administrative support is provided for the preparation of the agenda, recording of the minutes and distribution of the agenda and business paper;
- (d) Other Council staff may attend Committee meetings to observe or to address the Committee where a matter has been included in the agenda;
- (e) The Chairperson can invite Council staff, present in the meeting, to participate in the discussion if their input is deemed to be necessary; and
- (f) Council staff do not have any voting rights on the Committee.

### 7.6 Chairperson and Deputy Chairperson

- (a) The nominated Councillor will act as the Chairperson, with the second Councillor to act as Deputy Chairperson;
- (b) The role of the Chairperson is to preside over a meeting of the Committee. The Chairperson requires the skills to be able to facilitate the effective functioning of the Committee;
- (c) The Chairperson can invite external subject matter experts to participate in Committee meetings from time to time as non-voting members; and
- (d) In the absence of the Chairperson, the Deputy Chairperson shall preside at the Committee meeting, and the Deputy Chairperson assumes all the rights and obligations of the Chairperson for that Committee meeting.

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### 7.7 Quorum and Decision Making

- (a) The quorum to enable the business to be transacted at meetings shall be half the membership plus one, including at least one Councillor to act as Chairperson.
- (b) Observers or visitors at the meeting do not form part of the quorum.
- (c) In the absence of a quorum 15 minutes after the scheduled start of the meeting, the Members present may discuss the agenda items although any recommendations made will not become formalised until they have been ratified at the next Committee meeting with a quorum present.
- (d) The Committee is to conduct business in accordance with Council's resolution of 24 March 2015 as follows:
  - (i) Record all motions formally moved;
  - (ii) Record the identity of the mover and seconder of each such motion together with the voting outcome, and such other information as may be referred to under the Local Government (General) Regulation 2021 (NSW);
  - (iii) No longer record 'action items' (where it is not possible to identify the promoters (and dissenters) concerning such items);
  - (iv) Record that declarations of conflicts of interest were called for at the commencement of each Committee meeting and the result of such call (even where no conflicts of interest were disclosed); and
  - (v) Ensure the minutes of all Committee meetings are consistent with the format of Council meetings.
- (e) Committee recommendations are not binding on Council. To obtain Council endorsement, a Committee recommendation must be reported to the Council for their decision.



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### 8. TERM OF OFFICE

#### 8.1 Tenure

A person appointed to the Committee will continue as a member for two (2) years. After which time that person can make an application for membership to the Committee, under the procedure detailed in clause 7, should they wish to be considered for appointment to the Committee again.

#### 8.2 Casual Vacancy

- (a) Should a vacancy occur during the term of appointment, it will be filled by following the normal process for appointments (refer to clause 7).
- (b) A Member's position becomes vacant if:
  - (i) the Member dies;
  - (ii) the Member resigns membership by notice in writing to the Chairperson;
  - (iii) the Member is absent for more than 3 consecutive meetings without the leave of the Chairperson and the Committee votes to declare the Member's position vacant (refer to clause 8.3(c));
  - (iv) the Member misuses information or breaches confidentiality and Council resolves to remove the Member;
  - (v) the Member is determined to be aggressive or uncooperative with Council staff or other members of the Committee and Council resolves to remove the Member; or
  - (vi) Council otherwise resolves to remove the Member.

Where a vacancy occurs within 8 months of the end of the term of the current membership, the vacancy will not be filled.

#### 8.3 Non-Attendance at Meetings

- (a) Ongoing membership of the Committee is subject to regular attendance and reasonable apologies. A Member must notify the Chairperson in writing of their planned absence from a Committee meeting.

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- (b) Any Member aware that they will be absent for 3 or more consecutive meetings must notify the Committee Chairperson in writing of the planned absence.
- (c) In the event of a Member being absent for 3 or more consecutive meetings without apology and without the approval of the Committee, the Committee can vote on whether to declare the Member's position vacant, inform the Member of the outcome and fill the position as a casual vacancy in accordance with clause 8.2.

### 8.4 Resignation from the Committee

Any Member wishing to resign from the Committee shall do so in writing to the Committee Chairperson. The resignation becomes effective from the date that written notice is tendered to the Committee Chairperson unless otherwise agreed between the resigning Member and the Committee Chairperson.

## 9. GENERAL PUBLIC

- (a) The Committee meetings will be open to members of the general public who may participate in the discussion, with the permission of the Chairperson. Voting rights are maintained by Members only.
- (b) Representatives of organisations or the general community may be invited to address the Committee on matters on the agenda.

## 10. TIMETABLE FOR MEETINGS

- (a) Meetings will be held quarterly, subject to confirmation 2 weeks before each meeting of agenda items requiring Committee discussion.
- (b) Member items for the agenda are to be submitted on the form provided, at least 2 weeks before the scheduled meeting.
- (c) A meeting will be limited to a maximum of 1 and 1/2 hours duration unless the Committee resolves to extend the length of the meeting to a particular time or the completion of business.
- (d) Extraordinary meetings may be called by the Chairperson of the Committee in consultation with the CEO (or his/her delegate).
- (e) A schedule for Committee meetings confirming the location, date and starting time for meetings will be distributed to Members.

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- (f) Changes to scheduled Committee meetings may only be made if 5 business days' notice has been given to all Members.

### 11. MEETING PRACTICE AND PROCEDURES

- (a) Committee meetings must be conducted in accordance with Council's prevailing Code of Meeting Practice (as amended from time to time).
- (b) Minutes of meetings must be kept in accordance with the procedures set out in the Code of Meeting Practice.
- (c) The minutes of each Committee meeting will be submitted for endorsement at the next scheduled meeting of Council.
- (d) The Committee must observe the provisions of any other relevant Council policy and procedure.

### 12. INSURANCE COVER

Members are currently covered by Council's personal accident insurance only for attendance at meetings and other activities formally endorsed by the Committee.

### 13. OBSERVING THE CODE OF CONDUCT AND RELEVANT COUNCIL POLICIES

- (a) All Members are required to observe the provisions of Council's Code of Conduct and any other relevant Council policy applicable to the proper functioning of the Committee.
- (b) Should a Member is found to be in breach Council's Code of Conduct or any other relevant Council policy, the matter will be referred to the CEO to be dealt with in accordance with Council's Code of Conduct Procedures.
- (c) A breach of the Code of Conduct may result in that Member concerned being excluded from membership of the Committee.
- (d) If a Member has a pecuniary interest in any matter with which the Committee is concerned and is present at a meeting of the Committee at which the matter is being considered, they must disclose the interest as soon as practicable at the meeting and must not be present during any discussion or decision making relating to that matter. Leaving the room is necessary because to remain in the

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presence of the meeting but refrain from voting is taken to be a vote against the motion.

- (e) A Member who has a non-pecuniary conflict of interest in any matter with which the Committee is concerned and is present at a meeting of the Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable. If a Member has declared a non-pecuniary conflict of interest, there exists a range of options for managing the conflict of interest. The option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with.
- (f) A Member will deal with a non-pecuniary conflict of interest in at least one of these ways:
  - (i) Where the potential for conflict is deemed minimal, take no action. However, the Councillor or Member should consider explaining why it is considered that only a minimal or non-existent conflict exists; or
  - (j) Where the potential for conflict is more significant, take no part in the matter by leaving the room in which the meeting is taking place and take no part in any debate or vote on the issue as if the provisions in clause 4.29 of the Code of Conduct applied.
- (g) Members declaring a conflict of interest, whether pecuniary or non-pecuniary, must complete a Declaration of Interest Form which is to be signed by the CEO and retained by the Council by the prevailing Code of Conduct and Ethical Governance: Conflicts of Interest Policy (as amended from time to time).

### 14. CONFIDENTIALITY AND MANAGING PRIVACY

- (a) Members, through their involvement on the Committee, may come in contact with confidential or personal information retained by Council. Members are required to maintain confidentiality and security in relation to any such information and not access, use, or remove that information unless authorised to do so.
- (b) The *Privacy and Personal Information Protection Act 1998* (NSW) and Council's Privacy Policy deal with the collection, holding, use, correction, disclosure and transfer of personal information.

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- (c) Should a Member become aware of any breach of security, or misuse of the Council's confidential or personal information, they should inform the CEO immediately.

### 15. MEDIA PROTOCOL

- (a) The Mayor is the only person permitted to speak to the media on behalf of the Committee.
- (b) No other Member is permitted to speak to the media in their capacity as a Member.

### 16. REVIEW OF THE COMMITTEE AND THIS CHARTER

- (a) Council will review the work of the Committee and this Charter every 2 years.
- (b) The CEO shall be delegated to make minor amendments to this Charter, as required from time to time such as formatting and grammar, to meet legislative requirements, State Government guidelines regarding heritage or changes to Council's structure. Amendments that are other than minor shall be endorsed by Council.

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### **AUTHORISED BY**

Council Resolution

### **EFFECTIVE FROM**

27 April 2022

### **REVIEW DATE**

27 April 2024

### **DEPARTMENT RESPONSIBLE**

City Planning Department (City Design and Public Domain Unit)

### **VERSION**

<b>Version</b>	<b>Amended by</b>	<b>Changes Made</b>	<b>Date</b>	<b>TRIM Number</b>
1	Council Resolution	Minor changes	26 August 2015	207351.2015
2	Council Resolution	Minor changes	16 December 2015	339482.2015
3	Council Resolution	Amendment to Functions, Membership, Quorum and Decision Making and General Public,	30 August 2017	242312.2017
4	Council Resolution	Amendment to functions, membership and nomination and selection criteria.	6 February 2019	044928.2019

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5	Council Resolution	Amendment to membership structure and general formatting	27 April 2022	140630.2022
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### REFERENCES

Liverpool City Council: Code of Conduct

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Code of Meeting Practice

Liverpool City Council: Ethical Governance: Conflicts of Interest Policy

Liverpool City Council: Privacy Management Plan