



# HERITAGE ADVISORY COMMITTEE TERMS OF REFERENCE

# Heritage Advisory Committee Terms of Reference

**DIRECTORATE:** Planning and Environment

**BRANCH:** Strategic Planning

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## 1. Purpose

- 1.1 Advisory Committees and Reference Groups include representatives of the community, other stakeholders or government agencies and play an important role in the implementation of Council's priorities in a manner that complements staff competencies and expertise. Advisory Committees support Council through the provision of technical advice on a range of strategic issues, while Reference Groups support Council through the provision of local knowledge and engagement of community resources on a range of action-oriented initiatives. The scope of each Advisory Committee and Reference Group is set out in its Terms of Reference.
- 1.2 Council and its staff may have regard to the advice and recommendations provided by its Advisory Committees and Reference Groups as part of Council's decision-making processes. However, in carrying out their respective responsibilities, Advisory Committees and Reference Groups must at all times recognise that primary responsibility for strategic decision making rests with the governing body of Council and the day to day operations and management is the responsibility of the General Manager, as defined by the *Local Government Act 1993*. Consequently, Advisory Committees and Reference Groups do not have power to make decisions or direct staff.
- 1.3 The primary objectives of the Heritage Advisory Committee (the Advisory Committee) are to:
  - a. Support Council by providing informed recommendations on heritage matters.
  - b. Promote heritage and community information by:
    - i. Generating a wider appreciation of heritage through public displays, events, seminars and participation in the annual National Trust Heritage Festival and History Week
    - ii. Promoting and coordinating heritage open days
    - iii. Generating a greater understanding and appreciation of Aboriginal heritage in the Camden Local Government Area (LGA)

- iv. Actively encouraging conservation and maintenance of heritage items and heritage conservation areas to owners
- v. Investigating grant opportunities
- vi. Investigating opportunities for Council-run awards/recognition in response to heritage work that preserves, maintains and/or enhances the heritage values of a place
- vii. Developing a register of local heritage professionals and tradespeople
- viii. Assisting in developing education packages for information, school education, and best heritage practices.
- c. Provide general advice and assistance by sourcing heritage information and historic photos to aid in replacing materials and carrying out work.
- d. Provide policy input by:
  - i. Contributing to the review of heritage listings and reviewing potential new heritage items
  - ii. Providing feedback to Council staff on key local and state strategic planning policies with heritage implications.

## **2. Alignment with Community Strategic Plan**

- 2.1 Council has a long-term Community Strategic Plan that identifies the community's main priorities and aspirations for the future. All other Council plans, such as the four-year Delivery Program and annual Operational Plan, must support the achievement of these objectives. Council's Advisory Committees and Reference Groups are an important mechanism for consultation, advice and feedback to staff on the implementation and review of the Community Strategic Plan and related Council plans and policies.
- 2.2 The Advisory Committee assists Council to achieve the following Community Strategic Plan objectives:
- a. LB2.3 Identify and maintain city heritage and culture.
- 2.3 The Advisory Committee assists Council to achieve the following Delivery Program objectives:
- a. LB2.3.1 Protect Camden's natural and built heritage
  - b. B2.1.1 Protect Camden's scenic and visual landscapes.

## **3. Membership, Selection and Tenure**

- 3.1 The Advisory Committee will consist of the following voting members:
- a. Up to two Councillors (though Council retains the discretion to appoint more than two Councillors)
  - b. Up to three community representatives, one resident in each of the

North, Central and South wards of the Camden LGA (subject to clauses 3.9 and 3.12)

- c. One representative of the Camden Historical Society
- d. Up to two community representatives from Camden's Aboriginal and Torres Strait Islander community.

The General Manager will nominate a staff member as the Chairperson and another as the alternate Chairperson.

- 3.2 Council appoints all members subject to these Terms of Reference.
- 3.3 A Councillor who is not a member may attend meetings as an observer. However, the Councillor is not entitled to give notice of business for inclusion in the agenda for the meeting or to vote at the meeting. The Councillor as a courtesy should in advance of the meeting advise the Chairperson of their intention to attend the meeting.
- 3.4 Council staff, as determined by the General Manager, will attend meetings to act as the secretary and to provide technical advice and support and respond to enquiries. Council staff are not members and hold no voting rights.
- 3.5 The meetings are not open to the public; however, other persons with relevant expertise and skills may be invited to attend the meetings at the request of the Chairperson on behalf of the Advisory Committee to provide advice and assistance where necessary. These invitees have no voting rights.
- 3.6 Community representatives should have the following skills and knowledge relevant to the purpose of the Advisory Committee:
  - a. Ability to meet, and commitment to, the purpose of the Advisory Committee and these Terms of Reference
  - b. For representatives of the Camden Historical Society – written nomination by the Society
  - c. For Aboriginal and Torres Strait Islander community representatives – written nomination by an organisation representing Camden's Aboriginal and Torres Strait Islander community.
- 3.7 Community representatives are to be recruited through a public expression of interest process. The selection will be based on set criteria which will be outlined as part of the nomination process and consistent with the required skills and knowledge, a complementary mix of interests, talents and experience, and an understanding of the local community's needs and aspirations. Nominations will be assessed by a selection panel comprised of Council staff and the details of the recommended nominees will be reported to Council for endorsement and appointment.
- 3.8 To enable diversity of civic participation, community representatives are limited to holding a maximum of two concurrent memberships of an Advisory

Committee or Reference Group and must also only be appointed for a maximum of two consecutive Council terms. In the circumstance where specialist knowledge or experience is required and there is no suitable alternate nominee for a community representative position, a member may serve an additional term on an Advisory Committee. Councillors must likewise only be appointed to a particular Advisory Committee for a maximum of two consecutive Council terms, unless there is no other Councillor nominee for that position.

- 3.9 Council may appoint additional community representatives as alternate members. Alternate members can attend meetings, though generally have no voting rights. The exception is if a quorum of voting members would not otherwise be achieved, in which case all alternate members present will be considered voting members for that particular meeting only.
- 3.10 Agencies, industry bodies or relevant community groups can nominate any suitable candidate from their organisation to participate, who should generally be the same person but can be replaced by an alternate where unavailable.
- 3.11 Advisory Committees will be dissolved/renewed in line with the electoral term of Council. Members are appointed for the current Council term and any Councillors appointed to a Reference Group will cease to hold that appointment as of the date their office of Councillor becomes vacant, even if they are subsequently re-elected as a Councillor. However, Advisory Committees will maintain a caretaker role with their existing representatives (excluding outgoing Councillors and any community or other representatives who are elected to Council) until the new Councillor members, community and other representatives and Advisory Committees are formally appointed by Council. The caretaker role permits the outgoing Advisory Committee to continue with its routine business as set out in these Terms of Reference.
- 3.12 If there are no suitable nominees available from a ward, more than one community representative may be appointed to the Advisory Committee from another ward. These additional representatives can remain on the Committee even if suitable nominees from other wards are subsequently appointed.

#### **4. Roles and Responsibilities**

- 4.1 The Chairperson is responsible for the effective conduct of meetings, drawing on the expertise of each member, and for guiding the Advisory Committee's work towards fulfilling the responsibilities established in the Terms of Reference. This is a vital position, which requires an effective Chairperson to:
  - a. Work cooperatively with the committee support staff

- b. Ensure that the Advisory Committee operates within the scope of the Terms of Reference
  - c. Conduct business in the order set out in the agenda
  - d. Keep discussion focused on the item as set by the agenda
  - e. Make sure that a decision has been reached before going onto the next item on the agenda
  - f. Maintain order and ensure the correct meeting procedures are being followed
  - g. Allow everyone to speak and be heard
  - h. Exercise a casting vote, as well as an original vote, whenever the voting on a motion is equal (unless the Chairperson is a non-voting member)
  - i. Make sure a clear and accurate record is kept of all decisions.
- 4.2 Advisory Committee members consider reports, discuss options and make recommendations to Council. Through the recommendation of an Advisory Committee a member can offer an alternate view, identify issues, advise Council about effective policy or services and represent the diverse demographics, views and interests of the local community. All Advisory Committee members are expected to:
- a. Actively participate in a constructive, respectful and courteous manner
  - b. Understand the relevant legislative and regulatory requirements appropriate to Council
  - c. Contribute the time needed to review meeting agendas and other materials and understand the papers provided prior to a meeting
  - d. Apply good analytical skills, objectivity and judgment
  - e. Express opinions frankly and ask questions
  - f. Fully consider matters before voting on them
  - g. Respect confidentiality and privacy
  - h. Comply with the Terms of Reference.
- 4.3 Council provides secretariat support for the Advisory Committee in the form of committee support staff, as determined by the General Manager, who attend each meeting in a non-voting capacity. Under the supervision of the responsible Manager, the committee support staff are responsible for:
- a. Organising calendar notifications and the meeting venue
  - b. Preparing the meeting agenda
  - c. Ensuring that relevant matters are brought before the Advisory Committee
  - d. Distributing the agenda and minutes electronically
  - e. Recording the minutes for distribution to the Advisory Committee and reporting to Council
  - f. Coordinating the implementation of action items and identifying any decisions which may require further consideration by Council or the Executive Leadership Group.
- 4.4 The responsible Manager and committee support staff are liaison points for

Advisory Committee members regarding matters within the scope of the Terms of Reference. The committee support staff report to the responsible Manager, not the Advisory Committee. The responsible Manager may direct the committee support staff to provide administrative support and communicate certain advice to the Advisory Committee relating to the Terms of Reference and Council policies.

- 4.5 Advisory Committee membership is not a forum for making an action request of Council staff. Such requests must be made through regular channels.

## **5. Meeting Venue and Frequency**

- 5.1 Meetings are generally held in person at least quarterly at the Oran Park Administration Building or other suitable venue as necessary. Meetings may also be held online using video conferencing software. The Chairperson shall determine the mode of meeting subject to any overriding Council policy or direction from time to time.
- 5.2 Special meetings may be called by the Chairperson if urgent matters are required to be considered by the Committee. This should only occur following consultation with Council staff, to confirm that there are adequate staff resources available to provide the necessary administrative arrangements for the special meeting.

## **6. Meeting Procedure**

- 6.1 Subject to these Terms of Reference, the Advisory Committee may regulate its own meeting procedure consistent with good order and effective conduct. The ruling of the Chairperson is final in respect of all procedural matters.

## **7. Quorum, Voting and Casual Vacancies**

- 7.1 A quorum for each meeting will consist of a majority of current voting members of the Advisory Committee. Where a quorum is not present the Advisory Committee may hold an informal meeting to discuss the agenda and make notes; however, it is unable to make recommendations to Council. If a quorum exists yet both the Chairperson and the alternate Chairperson are absent from a meeting, the first business of every such meeting is to elect a Chairperson for that meeting from the members present.
- 7.2 A motion is required to be moved and seconded prior to a recommendation being put to a vote of the Advisory Committee. Each voting member present (including the Chairperson, unless that Chairperson is a non-voting Council staff member) shall have one vote. In the event of a tied vote, the Chairperson shall have a casting vote unless that Chairperson is a non-voting Council

staff member, in which case the vote will be deemed to have been lost. Where the resolution is a recommendation to Council, Council staff will convey the recommendation to the appropriate area of Council; however, the final decision on any recommendations rests with Council and voting does not necessarily mean that the recommendation will be endorsed and implemented by Council.

- 7.3 As a courtesy, Advisory Committee members should tender an apology when they know in advance that they cannot attend a meeting. This avoids delaying the opening of a meeting pending the arrival of such members and enables Council staff to anticipate whether a quorum will be present. The apology should initially be tendered to the Committee secretary, who will subsequently inform the Chairperson.
- 7.4 An Advisory Committee member who is temporarily unable to fulfil their obligations as a member may request a leave of absence from the Advisory Committee. Typical reasons for needing to take a period of leave include but are not limited to personal health, carer responsibilities, work or family commitments. A leave of absence may be granted for a period of up to six months but may not be given, and is void if given, where no leave of absence has been requested, except in extenuating circumstances making such a request impracticable. During a leave of absence, a member may not participate in votes of the Advisory Committee and the member will not be counted when calculating the quorum.
- 7.5 If an Advisory Committee member, including a Councillor representative, misses three consecutive meetings without a leave of absence or is found to have breached the Code of Conduct, their membership will be withdrawn with immediate effect and the position will be deemed vacant.
- 7.6 A casual vacancy for a community representative caused by the resignation or death of an Advisory Committee member, or the withdrawal of membership, will be filled through a review by Council staff of nominations received through the previous Expressions of Interest process with the details of any recommended nominees being reported to Council for endorsement and appointment. If there are no suitable nominees who are available or if Council so resolves, a new Expressions of Interest process will be undertaken.
- 7.7 If a casual vacancy is for a position that represented an organisation, the organisation will be invited to nominate a replacement representative (if no alternate member has previously been nominated).

## **8. Agendas, Minutes and Reporting Requirements**

- 8.1 The Advisory Committee secretariat produces the meeting agenda. Members should raise items they would like to be included on the agenda at least 10

working days prior to the meeting. Items will only be considered for inclusion on the agenda if they are relevant to the scope of the Terms of Reference and are submitted with the required notice. If a proposed item is not included on the agenda, the responsible Manager must notify the relevant member (including the reasons for this decision) prior to the distribution of the meeting agenda.

- 8.2 Community feedback provided to Advisory Committee members should also be dealt with as an agenda item, to ensure fair and proper consideration by the Advisory Committee.
- 8.3 General business should not be used to bypass the requirements for giving notice of business and therefore should not be raised for consideration at a meeting, unless the Chairperson rules the matter as urgent. If this occurs the reasons for urgent consideration should be documented in the minutes.
- 8.4 The agenda should be distributed to the Advisory Committee at least five working days prior to any meeting giving notice of the proposed meeting and the items of business.
- 8.5 The Chairperson can elect to request a briefing from Council staff prior to the meeting.
- 8.6 A forward meeting plan should be approved by the Advisory Committee annually for each financial year. The forward meeting plan will cover all responsibilities of the Advisory Committee as detailed in the Terms of Reference.
- 8.7 The structure of the agenda will be agreed by the Advisory Committee as part of its annual forward meeting plan, but will include as a minimum:
  - a. Acknowledgement of Country
  - b. Attendance and Apologies
  - c. Declaration of Interests
  - d. Acceptance of Previous Minutes and Business Arising
  - e. Outstanding Actions Report
  - f. Standing Agenda Items.
- 8.8 Full and accurate minutes of the proceedings for each meeting must be kept. The meeting minutes must record all motions and amendments put to the meeting, and the results. Minutes should include the mover and seconder of motions. Although the minutes should contain enough detail to make the Advisory Committee's recommendations understood, they are not meant to be a detailed transcript of proceedings nor a record of the contribution of individual members. However, there may be occasions when it is appropriate to succinctly record the general content of discussions where it is necessary to provide the reasons for a recommendation.

- 8.9 Committee support staff will ensure that the meeting minutes are prepared and provided to the Chairperson for approval within five working days of the meeting. The approved minutes will then be circulated to Advisory Committee members within 10 working days of the meeting.
- 8.10 The meeting minutes of Advisory Committees are to be reported to Councillors via a Councillor Update and at the discretion of the General Manager may also be reported at a Council meeting for formal consideration by Councillors. If in the minutes distinct recommendations are made, the decision of Council may be made separately on each recommendation. The recommendations of the Advisory Committee are, so far as adopted by the Council, resolutions of Council.
- 8.11 Once reported to Councillors, the meeting minutes will be published on Council's website.
- 8.12 All agendas and minutes are distributed electronically via email. Committee support staff are not responsible for printing and distributing hard copies of meeting agendas and minutes to Advisory Committee members.
- 8.13 All documents and records relating to the Advisory Committee will be registered in Council's electronic document management system by Council staff in accordance with the *State Records Act 1998*.
- 8.14 A Register of Committees and Groups will be maintained by Council staff. This will include the names of Advisory Committee members.

## **9. Code of Conduct and other Policies**

- 9.1 Advisory Committee members are required to adhere to Council's Code of Conduct. Compulsory training on the Code of Conduct and other policies that may be applicable to the operation of the Advisory Committee will be provided to all members, and must be completed by each individual member before they can attend meetings. Additional training may be requested by the Advisory Committee where relevant to its purpose.
- 9.2 As outlined in the Code of Conduct, the general conduct obligations of Advisory Committee members are to:
- a. Refrain from engaging in conduct that:
    - i. Is likely to bring Council or other Council officials into disrepute
    - ii. Is contrary to statutory requirements or Council's administrative requirements or policies
    - iii. Is improper or unethical
    - iv. Is an abuse of power
    - v. Causes, comprises or involves intimidation or verbal abuse

- vi. Involves the misuse of your position to obtain a private benefit
- vii. Constitutes harassment or bullying behaviour under the Code of Conduct, or is unlawfully discriminatory.

b. Act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out Advisory Committee functions.

9.3 Members are required to declare and manage any conflicts of interest in accordance with Council's Code of Conduct. In the case of a pecuniary or significant non-pecuniary interest, this includes a requirement that the member does not participate in consideration of, or decision making in relation to, the matter. Details of any conflict of interest should be appropriately documented in the minutes.

9.4 Council's volunteer management policy framework applies to Advisory Committee members who are defined as volunteers under that framework. Generally, this will be committee members who are not a paid representative from another organisation, acting on their behalf or as a requirement of their employer.

## **10. Work Health and Safety**

10.1 Under work health and safety legislation, volunteers (including Advisory Committee members) are considered workers and must comply with health and safety legislation as amended from time to time as well as Council's policies and procedures. Advisory Committee members must take reasonable care that their acts or omissions do not adversely affect the health or safety of themselves and of other persons.

## **11. Financial Arrangements**

11.1 The operational costs of convening the Advisory Committee will be met by Council's budget. No fees or out of pocket expenses will be paid to members.

## **12. Variation of Terms of Reference**

12.1 These Terms of Reference may only be amended by a resolution of Council, with the exception of minor amendments which can be approved by the General Manager or their sub-delegate. Minor amendments must not materially alter the general meaning, purpose or scope of the Terms of Reference.

## **13. Heritage Experts**

### **Advisory Committee may seek heritage expertise**

- 13.1 The Advisory Committee may, in its discretion and from time to time, recommend to the General Manager or their delegate that heritage expertise is desirable for the proper consideration of a particular matter before the Committee or otherwise to assist in the proper discharge of the Committee's functions.
- 13.2 Before the proposed recommendation is put to the Advisory Committee for decision, the Chairperson must identify the required expertise and be satisfied that the expertise is not reasonably available from Council officers.
- 13.3 The Advisory Committee's recommendation must identify the required expertise and may include a request that an expert be engaged for a particular matter, for a particular meeting or series of meetings, or for a period of time.
- 13.4 The Advisory Committee may consider proposed recommendations under this section without prior notice.

### **Engagement of heritage experts**

- 13.5 Heritage experts will be paid by Council on an hourly or daily basis as determined, and on such terms as agreed, by the General Manager or their delegate.
- 13.6 The General Manager or their delegate may review the engagement of heritage experts, or may terminate or not proceed with the engagement of any heritage expert, at any time by written notice to the Chairperson and the expert, or impose conditions on the engagement of particular heritage experts or heritage experts generally.

### **Responsibility of heritage experts**

- 13.7 Heritage experts are responsible for providing independent advice to the Advisory Committee on matters referred to them by the Committee and may be required to do one or more of the following:
  - a. Attend Committee meetings
  - b. Attend site meetings or briefings
  - c. Advise the Committee
  - d. Prepare reports or presentations to the Committee
  - e. Prepare reports, presentations or submissions on behalf of the Committee
  - f. Perform other related tasks.
- 13.8 Heritage experts are subject to Council's Code of Conduct.

- 13.9 Heritage experts must, as soon as practicable after they become aware, advise the Chairperson in writing of any actual or potential pecuniary or non-pecuniary conflict of interests or actual or potential breaches of the Code of Conduct.

Approval and Review	
<b>Responsible Branch</b>	Strategic Planning
<b>Responsible Manager</b>	Manager Strategic Planning
<b>Date Adopted</b>	Executive Leadership Group / Council [delete as applicable] [DD Mm YYYY]
<b>Version</b>	[Version Number e.g. 1]
<b>EDMS Reference</b>	[EDMS #]
<b>Date of Next Review</b>	[Generally three years from last adoption]

Version Control				
Version	Date Adopted	Approved By	EDMS Ref.	Description
1	[DD/MM/YYYY]	[Council/ELG]	[EDMS #]	Initial adoption of policy.
2	[DD/MM/YYYY]	[Council/ELG]	[EDMS #]	[Describe amendments/changes from previous version]



70 Central Avenue  
Oran Park NSW 2570



13 22 63



mail@camden.nsw.gov.au



PO Box 183, Camden NSW 2570



www.camden.nsw.gov.au