

**PENRITH CITY COUNCIL**  
**HERITAGE ADVISORY COMMITTEE CONSTITUTION**  
**(Adopted 9 September 2019)**

**1. Name**

The Advisory Committee, as appointed under the provisions of section 377 of the *Local Government Act 1993*, shall be known as the Penrith Heritage Advisory Committee, and is hereinafter referred to as the 'Heritage Advisory Committee'.

**2. Objectives**

The Heritage Advisory Committee has been established to conserve and promote the heritage of the Penrith City Council area.

The objectives of the Committee shall be:

- a) To assist Council by providing or sourcing background historic information of heritage or potential heritage sites
- b) To advise on submissions for heritage assistance grant applications.
- c) To provide advice on heritage programming, exhibitions, education and tourism events.
- d) To advise on nominations of Heritage Listed items from the Local Environmental Plan (LEP) and to identify items of State significance, which should be included in the NSW heritage Office State Heritage Register or of National Significance.
- e) To educate the community on the importance of heritage conservation.
- f) Provide advice on the management and balanced treatment of heritage places forming the cultural heritage of the area by identifying places of cultural significance within Penrith Local Government Area and to encourage their ongoing conservation.
- g) To work with and liaise with the community in the promotion, education, advocacy, encouragement, understanding and use of the cultural heritage of the city.
- h) To be briefed on major development proposals relating to items of heritage significance, with a focus on major developments.

**3. Authority**

- a) The Committee will have the authority to discuss matters and make recommendations to Council in accordance with the objectives of the constitution. Decisions cannot be made by the Committee on the Council's behalf.
- b) The Council retains responsibility for all budgetary considerations.
- c) Any authorities conferred upon the Heritage Advisory Committee under this constitution may be varied by Council.
- d) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member. Employees of the Council are not bound to the direction of the Heritage Advisory Committee or any of its members.

**4. Term**

The Heritage Advisory Committee members' term shall be for four years. Heritage Advisory Committee members shall cease to hold office at the expiration of this period, however they will be eligible for re-appointment. Members shall not hold office for any longer than two terms, or 8 years.

Despite the above, this is subject to the condition that the Heritage Advisory Committee may be dissolved by Council at any time.

## **5. Structure and Membership**

- a) The structure and membership of the Heritage Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
  - i. Two (2) Councillors of the Penrith City Council; and
  - ii. Eight (8) community members, appointed by Council following the calling of applications as detailed in clause 6 of this Constitution;
- b) A delegate/s from either Development Services and/or City Planning within Penrith City Council shall attend meetings to provide professional advice to the committee;
- c) A delegate/s from Penrith City Library may attend meetings to advise the committee;
- d) The Heritage Advisory Committee shall, at its first meeting following appointment, elect one by secret ballot of its members from those appointed under clause 5 (a. i.) of this constitution to be the Chairperson of the Heritage Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- e) The position of Chairperson and Deputy-Chairperson shall not be held by the same person for any longer than four (4) consecutive years;
- f) No staff member of Penrith City Council shall be elected as Chairperson or Deputy Chairperson of the Heritage Advisory Committee;
- g) Each member of the Heritage Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in case of equality of votes;
- h) Members may only cast their vote in person at the Heritage Advisory Committee meeting;
- i) The Heritage Advisory Committee may invite observers, specialists and/or representatives (for the purpose of clarifying matters) to meetings. Such observers, specialists or representatives shall not be permitted to vote.

## **6. Appointment and Election of Members**

- a) Two (2) Councillors shall be appointed to the Heritage Advisory Committee.
- b) The Council shall in the month of July every four (4) years place advertisements in appropriate media forms inviting nominations from people within the community for membership to the Heritage Advisory Committee.
- c) The Council shall select and appoint the community representatives to the Heritage Advisory Committee.
- d) Membership criteria for the Heritage Advisory Committee shall include the following:
  - i. Demonstrated interest and knowledge of the heritage and history in Penrith Local Government Area.
  - ii. A willingness to commit time to be actively involved in the Heritage Advisory Committee and to perform tasks related to committee business.
  - iii. Resident; ratepayer; relevant professional (i.e. architect, town planner, historian), or a strong proven association with or special interest in the Penrith Local Government Area.
- e) Members of the Heritage Advisory Committee shall cease to hold office:
  - i. If the Heritage Advisory Committee is dissolved by Council;
  - ii. Upon written resignation or death;
  - iii. If absent without prior approval of the Heritage Advisory Committee for three (3) consecutive meetings; or

- iv. If Council by resolution determines that a member/s has breached Penrith City Council's Code of Conduct during their term on the Committee.

## **7. Procedures and General**

- a) The delegate/s from Development Services (and/or City Planning) within Penrith City Council shall be the Executive Officer/s to the Heritage Advisory Committee and will be responsible for preparation of specialist reports and any correspondence associated with the Heritage Advisory Committee.
- b) The Heritage Advisory Committee shall meet six (6) times a year. Additional meetings and/or special meetings may be convened at the discretion of the Executive Officer to the Heritage Advisory Committee.
- c) The minutes of the Heritage Advisory Committee shall be reported to Council.
- d) Agenda items requiring committee discussion are to be raised with the Executive Officer/s two (2) weeks prior to the Heritage Advisory Committee meeting for inclusion in the agenda.
- e) No meeting of the Heritage Advisory Committee shall be held unless five (5) days' notice has been given to all members.
- f) Penrith City Council will provide a Minute Clerk for the purposes of recording the minutes of the Heritage Advisory Committee meetings and for the distribution of minutes following meetings of the Heritage Advisory Committee.
- g) The Minute Clerk shall forward a copy of the minutes of each meeting to all committee members, as well as to Council, as soon as practicable following such committee meeting.
- h) A quorum of the Heritage Advisory Committee shall be constituted by five (5) members being present at meetings.
- i) In the absence of a quorum 20 minutes after the scheduled start of the meeting, the committee members present may choose to defer the agenda items till next meeting OR discuss the agenda items; although any recommendations made will not become formalised until the next committee meeting with the quorum present.
- j) Any member, council staff, and or observers that have a pecuniary interest in any matters being discussed by the Heritage Advisory Committee shall declare such interest at the meeting and refrain from discussion or voting. At the discretion of the committee any individual with a declared pecuniary interest may be asked to leave the room when the declared interest is being discussed.
- k) The committee's role shall exclude advice or recommendations relating to development applications and Council development projects (this is necessary to avoid any perceived conflict). On less significant Development Applications, a list can be provided for information however not to enable detailed commentary (as this is not a role of the committee.)