

# TERMS OF REFERENCE

HUNTER'S HILL TOWN HALL

1866

## Conservation Advisory Panel

April 2025



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## PREAMBLE

The *Hunters Hill Local Environmental Plan 2012* recognises over 70 percent of the Municipality as heritage conservation area and lists over 500 items of local heritage significance in its 5.7 square kilometres.

The special character of Hunters Hill came under threat in the 1960s, which saw the loss of many old homes due to the construction of the current Figtree, Gladesville and Tarban Creek Bridges and associated freeways, as well as extensive home unit development.

A succession of events led to the formation of the Hunters Hill Advisory Committee in 1972 to advise the Council on “townscape” matters. This Advisory Committee was reconstituted in 1989 as the Conservation Advisory Panel.<sup>1</sup>

In 1979, the Australian National Committee of International Council on Monuments and Sites adopted the *Australia ICOMOS Burra Charter*.<sup>2</sup>

In 1985, Council adopted the principles of the *Burra Charter* to guide consideration of applications for change related to listed heritage items, Conservation Areas and contributory buildings.<sup>3</sup>

The Hunter’s Hill community has placed a high priority on the conservation of our character and heritage as reflected in successive Community Strategic Plans.

The *Burra Charter* explains why places are conserved:

*Places of cultural significance enrich people’s lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.*

*These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.*

*The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.*<sup>4</sup>

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<sup>1</sup> Hunters Hill Council, *Conservation Advisory Panel* < <https://www.huntershill.nsw.gov.au/development/heritage-conservation/conservation-advisory-panel/> >

<sup>2</sup> Australia International Council on Monuments and Sites, *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (2013) < <https://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf> >.

<sup>3</sup> Hunters Hill Council, *Development Control Plan No. 15: Residential Development* [4.5], superseded by Hunters Hill Consolidated Development Control Plan 2013.

<sup>4</sup> Australia ICOMOS, above n 2, 1.

## 1. DEFINITIONS AND INTERPRETATION

### 1.1. In these Terms of Reference, unless the contrary intention appears:

- (a) **Advisory Committee** means a committee of the Council performing an advisory function in accordance with the applicable Terms of Reference for that committee.
- (b) **Clause** refers to a clause in this document being the clause number so specified in this document.
- (c) **Code of Conduct** means the Council's adopted Code of Conduct as amended from time to time establishing the minimum standards of conduct and behaviour for council officials.
- (d) **Committee / Panel** means the Conservation Advisory Panel.
- (e) **Community Member** means a member of the Committee appointed to the Committee by Council from public nominations received by the Council for membership of the Committee.
- (f) **Contributory items** are a building, work, archaeological site, tree or place and its setting, which contributes to the heritage significance of a conservation area.
- (g) **Council** means the Hunter's Hill Council.
- (h) **Councillor** means a duly elected councillor of the Council.
- (i) **Environmental heritage** means those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance.<sup>5</sup>
- (j) **Member** means a member of the Committee.
- (k) **Quorum** means the minimum number of Members of the Committee that must be present at any of its meetings to make the proceedings of that meeting valid being the amount specified by resolution of the Council and unless resolved otherwise being more than 50% of Members.
- (l) **Representative** means a representative from the National Trust and a representative from the Institute of Architects appointed as a Member of the Committee by the Council.
- (m) **Term** means the period commencing on the date of a Member's appointment to the Committee by the Council until the day before the date of the next General Election of Council.
- (n) **Terms of Reference** means this document setting out the authority and procedural rules governing the conduct of the business of the Committee.

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<sup>5</sup> *Heritage Act 1977* (NSW), s 4 (definition of 'Environmental heritage').



1.2. In these Terms of Reference:

- (a) words denoting the singular include plural and vice versa; and
- (b) headings are for convenience only and do not affect interpretation.

1.3. The provisions of these Terms of Reference are governed by and to be construed in accordance with the laws of the State of New South Wales.

1.4. If, under the provisions of these Terms of Reference or under any notice served pursuant to the provisions of these Terms of Reference, anything is required to be done on a day which is not a business day, then the day for compliance is deemed to be the business day immediately following that day.

1.5. Should interpretation of these Terms of Reference require definition of any other terms, reference should be made to Article 1 of The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013 and/or the *Heritage Act 1977* (NSW), s 4 Definitions.

2. **NAME OF THE PANEL**

2.1. The name of the Committee / Panel is the Conservation Advisory Panel.

3. **STATUS AND COMMENCEMENT OF THE PANEL**

3.1. The Panel is an Advisory Committee of Council constituted to achieve the objectives and perform functions stated hereunder in accordance with the provisions of the *Hunters Hill Local Environmental Plan 2012* (as amended) (the **LEP**) and the *Hunters Hill Consolidated Development Control Plan 2013* (the **DCP**) in particular the Heritage conservation section.

3.2. The Panel commences on appointment of the first members of the Panel by resolution of Council.

4. **OBJECTIVES**

4.1. The objectives of the Panel are to provide advice to the Council and Director of Planning and Regulatory Services (or nominee) (the **Director**) to:

- (a) ensure that the unique heritage values and environmental qualities of the Municipality of Hunters Hill are protected and preserved;
- (b) promote an understanding of local heritage;
- (c) encourage the conservation of local heritage;
- (d) assist in the identification and registration of items of local heritage significance; and
- (e) to encourage the adaptive reuse of items of local heritage significance.

## 5. **FUNCTION**

5.1. The function of the Panel is to advise the Council and Director of Town Planning (**Director**) (or nominee) by:

- (a) Reviewing development applications referred to the Panel by the Director which involve proposals for development that result in the demolition of a Heritage item;
- (b) Reviewing development applications referred to the Panel by the Director which involve proposals for development that would demolish a dwelling house/structure within a Heritage Conservation Area;
- (c) Providing independent advice and recommendations to Council and the Director in relation to likely heritage and conservation impact of development proposals referred to it by the Director, particularly on heritage items and within heritage conservation areas;
- (d) Providing heritage conservation advice on matters referred to it by Council and/or the Director;
- (e) Developing policies on heritage conservation matters in conjunction with the Director for consideration by Council.

## 6. **MEMBERSHIP OF THE PANEL**

### 6.1. **General**

- (a) The Committee shall have up to five (5) Members comprising:
  - (i) One (1) Councillor elected by Council to be elected as Chair at the Panel's first meeting in the current term of Council (**Chair**).
  - (ii) One (1) other Councillor elected by Council – (that will also act as Chair, if the Chair is unable to attend).
  - (iii) One (1) representative nominated by the Institute of Architects.
  - (iv) One (1) representative nominated by the National Trust.
  - (v) One (1) community member and two (2) alternate community members, noting only one to attend the meeting at any one time. Community members should have Architectural and/or Heritage Conversation expertise.
- (b) The General Manager of the Council shall nominate a suitably qualified Council Officer to attend the Committee meetings as a standing invitee to provide technical advice, assistance and secretarial support to the Committee.

- (c) Non-member Councillors may attend the Committee meetings at any time but are not entitled to vote.

#### 6.2. Selection Criteria

- (a) Community Members of the Committee shall be appointed by public nomination in accordance with Policy Guideline 3 of Council Policy No CORP.S.23 Committees Policy.
- (b) A Community Member or Representative must not be a currently serving Councillor.

#### 6.3. Term

- (a) Members shall be appointed to the Committee for the Term unless their appointment is terminated earlier in accordance with these Terms of Reference.

#### 6.4. Vacancies

- (a) Council may, at its discretion, approve the filling of any vacancy in the membership of the Committee.
- (b) A Member absent for three or more consecutive meetings without apology or leave of the Committee shall have their membership position declared vacant.

#### 6.5. Removal of Member

- (a) Council may at any time, by resolution of Council, remove a Member of the Committee but shall observe the principles of natural justice.
- (b) Reasons for removal of a Member shall include, but not be limited to, any failure to observe the Code of Conduct and absence of a Member from meetings of the Committee as specified in **clause 6.4**.
- (c) Pursuant to section 10(2)(b) of the *Local Government Act 1993* (NSW), the Chair, presiding at a meeting of this Committee is authorised to exercise the power of expulsion of a Member on the following grounds:
  - (i) in relation to a Councillor, where the Councillor fails to comply with a requirement under regulation 233(1) of the *Local Government (General) Regulations 2021*;
  - (ii) in relation to a person (other than a Councillor) where the person has, in the reasonably opinion of the Chair presiding at the meeting, engaged in disorderly conduct at the meeting.

## **7. MEETING PROCEDURE AND PROTOCOL**

### **7.1. Observance of Code of Conduct**

- (a) All Members must observe and adhere to the Code of Conduct and all Members acknowledge that their acceptance of membership of the Committee is to be construed as their acceptance of their obligations observe and adhere to the Code of Conduct.

### **7.2. Quorum**

- (a) A validly held and constituted Committee meeting shall require a Quorum.

### **7.3. Decisions**

- (a) Decisions of the Committee will generally be made on a consensus basis, except where making a recommendation to Council, or if a formal vote is called for by the Chair, where decisions will be made by a majority of voting members present.

### **7.4. Frequency**

- (a) The Panel will meet not less than monthly generally commencing late afternoon on the third Wednesday of the month and more frequently as required and, if so required, as determined by the Chair.

### **7.5. Notice of Meetings**

- (a) The Councillor members of the Committee, in consultation with Council Officer nominated as standing invitee advisor by the General Manager, will finalise the agenda before each meeting. Members may suggest additional agenda items and may raise at any meeting items not on the agenda.
- (b) A notice of each meeting confirming the date, time, venue and agenda will be approved by the Chair of the Committee and forwarded to each Member and the General Manager generally not less than three business days prior to the date of the next meeting. Non-member Councillors should also receive a notice of each meeting and agenda.
- (c) Meetings may be held in person or by using any combination of in person attendance and technology or combination of technologies, which permits each person participating in the meeting to communicate with every other person participating in the meeting.

## **8. REPORTING**

- 8.1. The discussions, resolutions and recommendations of the Committee will be recorded in minutes kept by the Council Officer nominated as the standing invitee advisor by the General Manager.



- 8.2. The nominated Council Officer will prepare and circulate minutes of meetings to all members within a reasonable time after each meeting.
- 8.3. Following each meeting the nominated Council Officer, in consultation with the Chair, shall provide a report, including the minutes and recommendations for consideration by Council.