



Agenda Report for Decision Meeting Date: 24 August 2023

Item Name	Heritage Sub-Committee Membership Update
Presenters	Chair
Purpose of Report	Decision
Item Number	5.6
Strategic Plan Reference	3. Leading on Planning Policy
Work Plan Reference	3.5 Support the effective protection of heritage and character
Confidentiality	Not Confidential (Release Immediately)
Related Decisions	<ul style="list-style-type: none">• 5 December 2019 – Item 4.4 – Formation of a specialist Heritage Sub-Committee for providing advice to the Minister on Heritage DPAs• 30 January 2020 – Item 4.2 – Appointment of specialist Heritage Sub-Committee membership• 24 March 2022 – Item 4.2 – Heritage Sub-Committee – Reappointment of Members

Recommendations

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Immediately).
2. Note that Ms Elinor Walker's term as a Member of the Commission expired on 3 July 2023, and that she was appointed as Deputy Chair of the Heritage Sub-Committee (the Committee) in her capacity as a Member of the Commission.
3. Note that Ms Elinor Walker's term as Deputy Chair (and/or a member) of the Committee therefore expired on 3 July 2023.
4. Agree to appoint Mr David O'Loughlin, Member of the Commission, as Deputy Chair of the Committee, effective from 4 July 2023.
5. Approve and authorise the Chair of the Commission to sign the attached letter of appointment to Mr David O'Loughlin (**Attachment 1**), and to make any minor amendments as required.
6. Authorise the Chair of the Commission to write to the Minister for Planning (the Minister) advising him of the newly appointed Deputy Chair of the Committee.
7. Authorise Planning and Land Use Services (PLUS) to update the Committee's membership on the Commission's website and to notify Committee Members of the newly appointed Deputy Chair.

Background

On 13 April 2022, the Minister for Planning (the Minister) approved the re-establishment of the Heritage Sub-Committee (the Committee) (**Appendix A**) and agreed to the revised Terms of Reference proposed by the Commission (**Appendix B**), appointing Ms Elinor Walker as Deputy Chair of the Committee.

Discussion

Since 20 September 2022, Ms Elinor Walker has formally been the Deputy Chair of the Committee.

As agreed by the Commission on 15 September 2022, Ms Walker was appointed as Deputy Chair of the Committee in her capacity as a Member of the Commission (pending approval by the Minister).

On 3 July 2023, Ms Walker's term as a Member of the Commission expired. Consequently, Ms Walker's term as Deputy Chair (and/or a member) of the Committee likewise expired on 3 July 2023.

Therefore, this report seeks the Commission's endorsement to appoint a new Deputy Chair to the Committee, effective from 4 July 2023.

It is recommended that Mr David O'Loughlin, Member of the Commission, is appointed as the new Deputy Chair of the Committee.

Mr O'Loughlin studied Architecture at the University of Adelaide and completed a Graduate Diploma in Project Management at the University of South Australia. Mr O'Loughlin is President of the Adelaide Chapter of the Art Deco and Modernism Society of Australia and has also held executive positions in public and private sectors in the construction industry for over 27 years, including as Director Major Projects in Housing SA and Renewal SA.

Mr O'Loughlin brings strength and experience in heritage matters, with particular experience in relation to the 20th-century.

Mr O'Loughlin is also affiliated with:

- Art Deco and Modernism Society of Australia Inc, President of the Adelaide Chapter
- Former Mayor of the City of Prospect (2006—2022)
- Member of the Renewal SA Board
- Chairman of the Board of Blackfriars Priory School

As a new Member of the State Planning Commission, Mr O'Loughlin has been recently inducted and is aware of his obligations in relation to conflict-of-interest issues. Mr O'Loughlin will, with the assistance of PLUS, appropriately manage any conflicts of interest that may arise during his term as Deputy Chair of the Heritage Sub-Committee.

Due to his considerable knowledge and experience, Mr O'Loughlin is suitable to be appointed as Deputy Chair of the Committee.

A suggested letter of appointment from the Chair of the Commission to the new Deputy Chair of the Committee is provided at **Attachment 1** for the Commission's endorsement.

Attachments:

1. Draft letter to David O'Loughlin – Appointment to the Heritage Sub-Committee as Deputy Chair (#20527370).

Appendices:

- A. Approval of the re-establishment of the Heritage Sub-Committee (#18924067)
- B. Heritage Sub-Committee Terms of Reference, 15 September 2022 (#20010252).

Prepared by: Ashleigh Robertson

Endorsed by: Chelsea Lucas

Date: 18 August 2023

20527370

29 August 2023

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Mr David O'Loughlin
Member
State Planning Commission

By email: David.O'Loughlin2@sa.gov.au

Dear David

Appointment to the Heritage Sub-Committee

Thank you for agreeing to be appointed to the State Planning Commission's Heritage Sub-Committee (the Committee) as the new Deputy Chair.

As the former Deputy Chair's term with the Committee concluded on 3 July 2023, I therefore confirm your official term commenced on 4 July 2023 (which is your commencement date as a Member of the State Planning Commission), and will conclude on 27 April 2025, pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016*.

I have enclosed a copy of the Committee's Terms of Reference for your records.

In accordance with the *Department of the Premier and Cabinet Circular: PC016 – Remuneration for Government Appointed Part-Time Boards and Committees (September 2016)*, as an employee of the State Government, I confirm that you will not be remunerated for your participation on this Committee.

The Committee's Executive Officer, Morgan Ellis, will be in contact with you to arrange Committee-related site visits and meetings, when required.

I would like to congratulate you on your appointment.

Yours sincerely



Craig Holden
Chair

Enc Heritage Sub-Committee – Terms of Reference



HERITAGE SUB-COMMITTEE

Terms of Reference

1. PURPOSE

The purpose of the Heritage Sub-Committee (the Sub-Committee) is to, as required by the State Planning Commission (the Commission):

- (a) Provide advice to the Commission relating to the listing of Local Heritage Places, and/or additional Areas to be included in the Historic Area Overlay in the Planning and Design Code (the Code), including at the Proposal to Initiate stage of a Code Amendment under section 73 of the *Planning, Development and Infrastructure Act 2016* (the Act).
- (b) Hear and consider submissions from owners of proposed Local Heritage Places, objectors to proposed listings and/or affected councils.
- (c) Provide advice to the Commission on how to proceed with proposed listings as prescribed in *Practice Direction 2 – Preparation and Amendments of Designated Instruments*.
- (d) Provide advice to the Commission on other heritage matters as requested by the Commission.

2. PRINCIPLES

The Sub-Committee and its Members will operate consistently with the following principles:

- (a) act lawfully
- (b) act impartially
- (c) remain open, acting with integrity and providing frank and fearless advice
- (d) work with purpose and alignment to achieve quality outcomes and the delivery of results
- (e) maintain the confidence of the Commission, Government, Parliament and the community
- (f) maintain appropriate confidentiality of Sub-Committee discussions and advice.

3. MEMBERSHIP

- (a) Membership of the Sub-Committee is limited to no more than nine specialist Members appointed by the Commission.
- (b) In addition to the specialist Members, a Member of the Commission will be appointed to each of the following positions on the Sub-Committee:
 - Chair
 - Deputy Chair.
- (c) Members will be appointed for a term not exceeding three years, and on conditions determined by the Commission. On the expiration of this term, Members may be eligible for reappointment as determined by the Commission.
- (d) Membership must, as far as practicable, comprise equal numbers of women and men.
- (e) In making appointments to the Sub-Committee, the Commission should consider that the Members collectively have qualifications, knowledge and expertise in the following areas:
 - experienced historian
 - experienced heritage architect
 - urban/regional planner with heritage listing experience.

4. REMUNERATION

Sessional fees will be paid to Sub-Committee Members in accordance with Department of the Premier and Cabinet Circular *PC016 – Remuneration for Government Appointed Part-Time Boards and Committees* (September 2016), and the *Boards and Committees – Remuneration Framework* (Approved by Cabinet on 10 December 2007).

5. ROLES AND RESPONSIBILITIES

5.1. State Planning Commission

The Commission will be responsible for instructing the Sub-Committee on its activities and referring particular matters to the Sub-Committee for advice to the Commission.

5.2. Chair

- a) The primary role and function of the Chair (or the Deputy Chair if acting as Chair) is to lead and manage the processes and practices of the Sub-Committee, and to ensure the effective delivery of the Sub-Committee's functions.

- b) The Chair will also act as the primary conduit between the Sub-Committee and Commission to communicate key messages from the Sub-Committee to the Commission and vice versa.

5.3. Department for Trade and Investment

- a) Planning and Land Use Services (PLUS) will support the Sub-Committee in accordance with a Service Level Agreement between the Commission and PLUS.
- b) A Governance Officer will be assigned to support the Sub-Committee. The Governance Officer will ensure agendas, minutes, an actions register and any other relevant documentation is prepared and distributed.
- c) The Code Amendment Team within PLUS will provide advice in relation to heritage policy and Code Amendment issues following a referral to the Sub-Committee by the Commission.

6. GOVERNANCE

6.1. Returns and Declarations

- a) Members must, within 60 days of appointment, submit a Primary Return identifying any financial or other interests.
- b) Members must, within 60 days of 30 June annually, submit an Ordinary Return identifying any financial or other interests.
- c) Members must also submit a Pecuniary Interest declaration at the end of each financial year to identify the nature of any transaction entered into by PLUS with any the Member or with any firm, trust or company in which the Member has either a direct or indirect financial interest.
- d) PLUS will maintain a register which records the Member's main business activities, involvement with other business organisations, vendors, business interests and other associations that might produce a conflict of interest with the activities of the Sub-Committee.

6.2. Conflicts of Interest

- a) Members must, as soon as he or she becomes aware of an actual or potential conflict of interest, or the potential for a perceived conflict of interest, disclose the nature and extent of the interest to the Chair (or the Deputy Chair if acting as Chair) of the Sub-Committee.
- b) If a Member declares a conflict of interest, that Member must not take part in any discussion or decision on the matter and must be absent from the meeting when any deliberations are taking place or a decision is being made.
- c) If a conflict of interest has been declared by a Member, the general nature of the interest must be recorded in the minutes of the meeting of the Sub-Committee.

6.3. Independent Commission Against Corruption

- a) In accordance with the *Directions and Guidelines for Public Officers* (Directions and Guidelines) published by the Independent Commissioner Against Corruption (ICAC), Sub-Committee Members are classified as 'public officers'.
- b) In accordance with the Commissioner's Directions and Guidelines all 'public officers' have an obligation to report a matter that is reasonably suspected of involving corruption, misconduct or maladministration in public administration to the Office for Public Integrity (OPI). The process for reporting such a matter to the OPI is outlined in the Directions and Guidelines document and on the ICAC website at www.icac.sa.gov.au.

6.4. Confidentiality

- a) Members must ensure that any confidential information remains confidential and is not disclosed improperly to others.
- b) Members must refer all enquiries from all external parties (including media) directly to the Governance Officer for action.

7. MEETINGS AND PROCEDURES

7.1. Appointment of Members to a Panel

For each matter referred to the Sub-Committee for advice to the Commission, the Chair of the Commission will appoint members of the Sub-Committee to form a Panel. Several meetings of a Panel may be required to address a particular matter.

7.2. Quorum

- a) For Panel meetings, the quorum is three Members (and no business may be transacted at a meeting of a Panel unless a quorum is present).
- b) A meeting of a Panel will comprise:
 - the Chair (or the Deputy Chair if acting as Chair) of the Sub-Committee
 - at least two specialist Members of the Sub-Committee.

7.3. Meeting schedule

- a) The meeting schedule will be ad hoc and will depend on timing and scope of matters referred to the Sub-Committee by the Commission.
- b) Where reasonably practicable, Members appointed to a Panel will be given at least two weeks' notice of a future meeting.

7.4. Agenda and meeting papers

- a) An agenda and any associated meeting papers for prior reading will be distributed by the Governance Officer five working days prior to the meeting.
- b) As the agendas are for the purpose of advice to the Commission, they will remain confidential until the publication of the Commission's meeting papers for the matter.

7.5. Proceedings

- a) The Chair (or Deputy Chair) will preside over meetings of a Panel to which he or she is appointed and presiding. The Deputy Chair will preside over meetings if the Chair is absent. In the absence of the Chair and the Deputy Chair, another member of the Sub-Committee will be chosen by those members present to chair the meeting.
- b) The Chair or Deputy Chair (as the case may be) will facilitate the meeting in a manner which promotes healthy, orderly, constructive, respectful and expeditious discussion and not allow repetitious or irrelevant discussion having regard to the function of the Panel.
- c) Each Member has one vote, and the Chair has a casting vote, if required to address an even vote.
- d) Decisions of the Panel are carried by the majority of votes cast. The minutes will only record the decision and not the votes for or against.
- e) If required, Panel business may be conducted 'out-of-session' by electronic correspondence between the Governance Officer on behalf of the Chair or Deputy Chair (as the case may be) and the Members of the Panel.

7.6. Proxy

Proxy Members will not be appointed. Members are encouraged to attend via online meeting facilities if they are not available to attend in person, otherwise an apology is to be tendered.

7.7. Minutes

- a) The Governance Officer will minute the meeting. The minutes will be concise and record:
 - the names of Members present
 - apologies received from Members
 - the names of departmental staff in attendance
 - any disclosure of interest or conflicts made by a Member or departmental staff
 - the resolution (which may include a brief summary of how the Panel reached its decision if deemed necessary).

- b) Discussion and actions will not be recorded in the minutes. A separate actions register maintained by the Governance Officer will document any actions to be undertaken.
- c) The minutes of the meeting will be confirmed at the end of each meeting by those Members present. The minutes will be included in the agenda of the next Commission meeting for noting.
- d) Minutes of the Panel meeting will be published or maintained in confidence as provided in the Commission's *Governance Manual*.

7.8. Attendance of external parties

- a) Where the Panel chooses to do so, affected landowners and council administration are permitted to bring experts to support their provision of evidence to the Panel.
- b) If a party has made a written submission to a forthcoming agenda item which has been put out for public comment, that party may also be invited to attend for that particular item.
- c) Panel meetings are not open to members of the general public or media.
- d) The Panel will provide the Designated Entity and its consultant(s) with an opportunity to make a verbal response to verbal submissions with respect to Code Amendment matters.

7.9. Advice to the Commission

The Chair or Deputy Chair (as the case may be), as soon as practical after finalisation of the Panel Report, will present the Panel's findings to the Commission.

8. REVIEW

These Terms of Reference will be reviewed by the Sub-Committee Chair in consultation with the Commission Chair following the appointment of a new Sub-Committee Chair or every three years (whichever occurs first).

Adopted by the State Planning Commission on:

- 27 April 2022 (version 1)
- 15 September 2022 (version 2).

A handwritten signature in black ink, appearing to read 'Craig Holden', with a long horizontal flourish extending to the right.

Craig Holden
Chair, State Planning Commission
20 / 09 / 2022

A handwritten signature in black ink, appearing to read 'Stephanie Johnston', with a large, stylized flourish at the end.

Stephanie Johnston
Chair, Heritage Sub-Committee
20 / 09 / 2022