

## Agenda Report for Decision

**Meeting Date: 15 September 2022**

<b>Item Name</b>	Heritage Sub-Committee – Appointment of new Chair and amendment to Terms of Reference
<b>Presenters</b>	Chair
<b>Purpose of Report</b>	Decision
<b>Item Number</b>	5.1
<b>Strategic Plan Reference</b>	3. Leading on Planning Policy
<b>Work Plan Reference</b>	3.7 Support the effective protection of heritage and character
<b>Confidentiality</b>	Not Confidential (Release Immediately)
<b>Related Decisions</b>	<ul style="list-style-type: none"> <li>• 5 December 2019 – Item 4.4 – Formation of a specialist Heritage Sub-Committee for providing advice to the Minister on Heritage DPAs</li> <li>• 30 January 2020 – Item 4.2 – Appointment of specialist Heritage Sub-Committee membership</li> <li>• 24 March 2022 – Item 4.2 – Heritage Sub-Committee – Reappointment of Members</li> <li>• 21 July 2022 – Item 5.2 – Heritage Sub-Committee – Information update on the State Planning Commission’s website</li> </ul>

### Recommendation

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 Mr Steven Griffiths’ term as a Member of the Commission expired on 31 August 2022, and that he was appointed as Chair of the Heritage Sub-Committee (the Committee) in his capacity as a Member of the Commission.
3. Note that Mr Steven Griffiths’ term as Chair (and/or a member) of the Committee therefore expired on 31 August 2022.
4. Agree to appoint Ms Stephanie Johnston, Member of the Commission, as Chair of the Committee, effective from 1 September 2022.
5. Agree to remove Ms Noelle Hurley, Member of the Commission, from the membership of the Committee, effective from 1 September 2022.

6. Agree to appoint Ms Elinor Walker, Member of the Commission, as the Deputy Chair of the Committee, effective from 1 September 2022.
7. Agree to remove the Assistant Deputy Chair membership position from clause 3(b) of the Committee's Terms of Reference, including any other references made to the Assistant Deputy Chair position within the Terms of Reference (**Attachment 1**).
8. Approve and authorise the Chair of the Commission to sign the attached letters of appointment to the Ms Stephanie Johnston (**Attachment 2**) and Ms Elinor Walker (**Attachment 3**), and to make any minor amendments as required.
9. Authorise the Chair of the Commission to approve the updated Terms of Reference and to write to the Minister for Planning (the Minister) advising him of the newly appointed Chair of the Committee and removal of the Assistant Deputy Chair position from the Committee's Terms of Reference.
10. 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 Chair.

## Background

On 24 March 2022, the Commission agreed to re-establish the Commission's Heritage Sub-Committee. The resolutions from this meeting are as follows:

*The Commission resolved to:*

*1) Approve the designation of this item as Not Confidential (Release Delayed). To be released following final appointment of the Heritage Sub-Committee (the Sub-Committee) members.*

*2) Agree to the Attorney-General's Department (the Department) drafting updated Terms of Reference for the Sub-Committee to reflect the Code Amendment process, following direction from the Commission on the intended process.*

*3) Authorise the Chair of the Commission to approve the updated Terms of Reference for the Sub-Committee, and write to the Minister for Planning and Local Government (the Minister) seeking approval of the updated Terms of Reference.*

*4) Subject to the Minister's approval being received, agree to reappoint the following members to the Sub-Committee:*

*o Bruce Harry*

*o Deborah Lindsay*

*o Ron Danvers*

*o Elizabeth Little*

*o Jenny Newman*

*o Representatives of Heritage SA, within the Department for Environment and Water (DEW).*

*5) Subject to Sub-Committee members' prior verbal agreement, authorise the Chair to write to the members advising of their reappointment.*

*6) Identify and appoint the following member(s) of the Commission to the Sub-Committee:*

*o Steven Griffiths, Chair*

*o Noelle Hurley, Deputy Chair*

*o Elinor Walker, Assistant Deputy Chair.*

On 13 April 2022, the Minister for Planning (the Minister) approved the re-establishment of the Committee (**Appendix A**) and agreed to the revised Terms of Reference proposed by the Commission (**Appendix B**).

It should be noted that all former members listed above agreed to be reappointed. In addition, former members Dr Louise Bird, Ms Anna Pope and Mr Michael Queale from DEW agreed to be reappointed to the Committee.

## Discussion

Since 13 April 2022, Mr Steven Griffiths has formally been the Chair of the Committee.

As agreed by the Commission on 24 March 2022, Mr Griffiths was appointed as Chair of the Committee in his capacity as a Member of the Commission (pending approval by the Minister). On 24 March 2022, Commission Members Ms Noelle Hurley and Ms Elinor Walker were also appointed to the Committee as Deputy Chair and Assistant Deputy Chair, respectively.

On 31 August 2022, Mr Griffiths' term as a Member of the Commission expired. Consequently, Mr Griffiths' term as Chair (and/or a member) of the Committee likewise expired on 31 August 2022.

Therefore, this report seeks the Commission's endorsement to appoint a new Chair to the Committee, effective from 1 September 2022.

It is recommended that Ms Stephanie Johnston, Member of the Commission, is appointed as the new Chair of the Committee.

Ms Johnston currently runs a boutique consultancy which specialises in the following:

- Urban and rural planning.
- Heritage assessment and management.
- Industry research and support services for architects, property owners, private sector developers, Local and State Government agencies and the not-for-profit sector.

Ms Johnston's strengths and experience lie in strategic thinking across specialist disciplines and in bringing cultural, historical and community perspectives to large- and small-scale projects through effective communication and engagement. Her key interests include:

- Place-making and peri-urban policy-making.
- Planning in the context of the economic capitalisation of cultural and heritage assets.
- Integrated planning at the local, landscape and regional levels.

Ms Johnston is also affiliated with the following boards, panels, associations etc.:

- ICOMOS International Scientific Committee on Cultural Landscapes (Expert Member).
- Dec 2019 – Co-convenor, AICOMOS National Scientific Committee on Cultural Landscapes (Co-convenor).
- Heritage Tourism Alliance SA (Member).
- City of Charles Sturt Council Assessment Panel (Presiding Member).
- City of Onkaparinga Council Assessment Panel (Independent Member).
- City of Port Adelaide Enfield Council Assessment Panel (Deputy Presiding Member).
- Kadaltilla / Adelaide Park Lands Authority (Member).
- Kangaroo Island Council Council Assessment Panel (Independent Member).

- Town of Gawler Council Assessment Panel (Deputy Member).
- Planning Institute of Australia (Member).

Due to her considerable knowledge and experience, Ms Johnston is therefore suitable to be appointed as Chair of the Committee.

It is also proposed to remove Ms Hurley from the membership of the Committee, with Ms Walker replacing Ms Hurley as Deputy Chair of the Committee.

It should be noted that the Chair of the Commission has already verbally spoken with all affected Commission Members about the abovementioned changes to the membership; in which they all agreed.

PLUS also recommends updating clause 3(b) of the Committee's Terms of Reference to remove the Assistant Deputy Chair membership position (Ms Walker's current position), including any other references made to the Assistant Deputy Chair position within the Terms of Reference. As quorum for Committee meetings only comprises the Chair (or the Deputy Chair or Assistant Deputy Chair acting as Chair) and at least two specialist Members, it is not considered necessary to have an Assistant Deputy Chair.

The updated Committee Terms of Reference are provided at **Attachment 1** in mark-up for the Commission's endorsement.

Suggested letters of appointment from the Chair of the Commission to the new Chair and Deputy Chair of the Committee are provided at **Attachments 2** and **3** for the Commission's endorsement.

**Attachments:**

1. Updated Heritage Sub-Committee Terms of Reference (tracked-changes) (#19143702).
2. Draft letter to Stephanie Johnston – Appointment to the Heritage Sub-Committee as Chair (#19199761).
3. Draft letter to Elinor Walker – Appointment to the Heritage Sub-Committee as Deputy Chair (#19199877).

Prepared by: Brittany Anderson

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Endorsed by: Chelsea Lucas

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Date: 6 September 2022

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## 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](http://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

19199761

20 September 2022

Level 5, 50 Flinders Street  
Adelaide SA 5000

GPO Box 1815  
Adelaide SA 5001

08 7109 7466  
saplanningcommission@sa.gov.au

Ms Stephanie Johnston  
Member  
State Planning Commission

By email: [saplanningcommission@sa.gov.au](mailto:saplanningcommission@sa.gov.au)

Dear Stephanie

### **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 Chair.

As the former Chair's term with the Committee concluded on 31 August 2022, I therefore confirm your official term commenced on 1 September 2022 (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, Brittany Anderson, 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 and thank you for your willingness in being part of this very important sub-committee.

Yours sincerely



**Craig Holden**  
Chair

Enc Heritage Sub-Committee – Terms of Reference – Signed 20 September 2022

19199877

20 September 2022

Level 5, 50 Flinders Street  
Adelaide SA 5000

GPO Box 1815  
Adelaide SA 5001

08 7109 7466  
saplanningcommission@sa.gov.au

Ms Elinor Walker  
Member  
State Planning Commission

By email: [saplanningcommission@sa.gov.au](mailto:saplanningcommission@sa.gov.au)

Dear Elinor

### **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.

I confirm your official term on the Committee commenced on 27 April 2022 (which is the date you were first appointed as Assistant Deputy Chair) 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, Brittany Anderson, 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 and thank you for your participation to date and willingness in being part of this very important sub-committee.

Yours sincerely



**Craig Holden**  
Chair

Enc Heritage Sub-Committee – Terms of Reference – Signed 20 September 2022