

**RECOMMENDED CONSULTANCY BRIEF AND
STATEMENT OF QUALIFICATIONS AND DUTIES**

FOR A

HERITAGE ADVISORY SERVICE

HERITAGE VICTORIA

**DEPARTMENT OF PLANNING AND COMMUNITY
DEVELOPMENT**

SEPTEMBER 2008

This document has been prepared by Heritage Victoria and may be suitable for adoption by local government as a Consultancy Brief and Statement of Qualifications and Duties for a heritage advisor.

Councils may have additional matters or requirements that they will wish to include in this brief. Modifications may be appropriate provided that the content or effect of the brief is not diluted by any changes. Councils proposing modifications to the brief are asked to initially discuss them with Heritage Victoria if grant funding is being provided.

CONSULTANCY BRIEF AND STATEMENT OF QUALIFICATIONS AND DUTIES

1. ROLE OF ADVISORS

The primary role of the advisor is to provide expert advice and support to Council in achieving the maximum possible conservation and promotion of places of cultural significance within the local area, especially those heritage places subject to statutory protection under planning schemes.

Places of cultural significance may include buildings; structures; historic sites; gardens, trees and other landscape features; historic precincts and other areas; cemeteries; archaeological sites etc.

2. CONDUCT OF ADVISORS

The advisor is to act in accordance with the principles and guidelines of *The Australia ICOMOS Burra Charter* (1999).

While the advisor may work with Council to achieve the best outcomes in a particular situation, the advisor is not expected to compromise his/her advice for political or any other reasons.

The advisor will provide advice on conservation issues as a contribution to the overall decision making processes, which are the ultimate responsibility of the Council. The Council will decide how to respond to this advice on the basis of any competing interests which it is obliged to take into account.

The advisor will respond appropriately to all requests for advice on conservation matters which are made by Council or its officers. The advisor may raise issues with Council at his/her discretion, which in return should be responded to appropriately by the Council.

Under no circumstances will the advisor be required to support Council decisions which are contrary to the advisor's own views or advice (e.g. to appear before the Victorian Civil and Administrative Tribunal). Conversely, except under subpoena or a specific request from a tribunal, the advisor will not publicly oppose a Council decision.

3. QUALIFICATIONS AND EXPERIENCE

The heritage advisor should hold relevant qualifications in architecture, building, engineering and/or heritage conservation.

The advisor shall have a proven interest and, ideally, experience in the conservation of buildings, areas and other places of cultural significance. Particular skills should include:

- a. the identification of important elements in the cultural environment, and the assessment of the significance;
- b. procedures and techniques of heritage conservation with emphasis on the practical aspects of undertaking such projects; and
- c. a capacity to negotiate acceptable solutions and deal sensitively, with the minimum of conflict, across the broad spectrum of the community including Government and local council administration and property owners and occupiers.

The advisor should also:-

- d. have a working knowledge of *The Australia ICOMOS Burra Charter* (1999), the *Planning and Environment Act* 1987, the *Heritage Act* 1995 and related legislation;

- e. meet the entry requirements for membership of Australia ICOMOS;
- f. have a general appreciation of the planning procedures of Councils, particularly in reference to the administration of heritage or conservation controls;
- g. possess some knowledge of the historical development of the area to which they are appointed; and
- h. possess a good understanding of current cultural heritage resource management issues including conservation philosophy, technology, procedures, legislation and current heritage debate and be able to keep abreast of latest developments in the field.

4. DUTIES AND FUNCTIONS

The primary duties of the heritage advisor are:

- a. Liaise with the owners of buildings and places listed in the local planning scheme with respect to their requirements, and the requirements for achieving conservation of the cultural environment. This will involve:
 - encouraging property owners to seek advice with respect to any development and conservation work to be undertaken to heritage items, ideally, prior to the lodging of planning applications;
 - offering advice and, where necessary, preparing simple drawings or specifications for such work;
 - giving advice and assistance as required in obtaining quotations for work, contacting appropriate trades-people, or obtaining suitable material supplies;
 - providing advice to builders and tradespeople on relevant conservation/restoration techniques and material sources for specific tasks;
 - assisting owners, where necessary, to apply for permit approvals from relevant authorities and to make applications for financial assistance from relevant sources.

The extent of this function must be limited in order to avoid conflict with the practices of local architects, draftspersons, builders or other practitioners. The work is generally to be restricted to providing sufficient advice for the owner to proceed in a way which will have a positive outcome for the place concerned. However, a somewhat greater level of service may be provided where the building or place is owned by the Council or a non-profit community group.

- b. Actively promote heritage conservation and the advisory service within the council area through mail-drops, public discussions, seminars, publications, local media interviews or other similar means;
- c. Assist the Council in the administration of the planning scheme as it relates to the conservation of buildings, areas and other places of cultural significance. The advisor may provide advice on permit applications, and on ways of achieving conservation aims within the scope of the local planning scheme, including the development of policies and guidelines, where requested by Council.
- d. Ensure that the town planning staff administering the planning scheme are kept informed on heritage issues and practice.

- e. With the assistance of the town planning staff, prepare a report each year on the extent of change to heritage assets within the municipality.

A heritage advisor may also be expected to undertake the following additional functions as appropriate.

- f. Review the adequacy of heritage education in the area and take steps to correct deficiencies. Such a review should consider the heritage educational needs of local council staff, local councillors, local professionals, local tradespeople and the community generally.
- g. Organise, supervise and seek appropriate funding for public conservation or restoration projects, in conjunction with council officers as requested.
- h. Assist the efficient running of local heritage restoration funds where these are established, and submit brief reports to Restoration or Heritage Advisory Committee meetings on work in progress, works completed, and applications under consideration.
- i. Maintain lists of suitably qualified and experienced local architects, engineers, other conservation specialists, tradespeople and material suppliers who can offer appropriate advice to owners of heritage properties.
- j. Report on places included or being considered for inclusion on State or Commonwealth heritage registers, as required.
- k. Promote places of historic interest and enhance knowledge of the history and cultural significance of the local area and specific places. This may include advice on the interpretation of buildings and places of heritage significance, the development of heritage trails; the production of publications and other materials etc.
- l. Advise on places under threat needing urgent attention, and on appropriate conservation action
- m. Formulate recommendations for conservation of the cultural environment under the *Heritage Act* 1995, the *Planning and Environment Act* 1987, or any other applicable means.
- n. Encourage the implementation of recommendations from existing heritage studies. Review the adequacy and encourage the preparation of heritage studies where appropriate.
- o. Establish the orderly collection of heritage resource material, including photographs, to assist local heritage conservation and promotion in association with relevant Council departments, libraries and local historical societies.

The heritage advisor should be mindful of the need to seek or recommend other specialist heritage advice where it is beyond the expertise of the advisor. For example, there may be instances where the advisor should seek or recommend professional advice from arboriculturalists, engineers, archaeologists, materials conservators etc where appropriate to the circumstances.

5. SUPERVISION/REPORTING

The heritage advisor will report to (*generally, the Council's Town Planner or an equivalent*). To achieve program objectives, the advisor will be given reasonable freedom of operation, including direct negotiation with owners, developers, and government departments and in making recommendations to Council.

Council will require that where consultations have occurred, adequate notes, memorandums or reports be prepared indicating the nature of advice that has been provided and discussions or negotiations that have taken place.

The advisor shall keep a diary in relation to all work undertaken. It should record visit days, the work carried out on each day, persons seen and issues involved. This record is to be used as the basis for supplying regular reports to Council, and annual reports to the Department of Planning and Community Development.

The advisor shall submit an annual report to the Council and to Heritage Victoria on the extent of change to the state of heritage assets in the municipality. To assist the advisor the town planning department/planning services agency will inform the advisor on the results of all applications covered by the heritage provisions of the planning scheme. This should enable broad assessment to be made of the gains and losses, in heritage terms, over the year.

Activities undertaken during the financial year should also be reported upon. For each of the Duties and Functions specified in Section 4.0 above, the advisor shall give an outline of the work undertaken. Details can be brief but an adequate outline of the work undertaken during the year should be given. Where no work has been carried out under a duty, this should also be stated.

6. ADMINISTRATION/MANAGEMENT

It is essential for the success of the heritage advisory service that the Council set aside from its funding, any additional monies to allow for the administration and staff support of the heritage advisor.

The Council will provide the advisor with access to the following (*delete or add as appropriate*):-

- office space;
- telephone;
- word-processing/typing;
- photo-copying;
- photographic supplies.

The extent of the services provided by Council should be agreed upon between the Council and the advisor prior to appointment. The Council will keep appointment books for the advisor, and make appointments for interviews in advance.

7. REMUNERATION/OPERATIONAL EXPENSES

The advisor will be paid by the Council on a consultancy basis. Remuneration will be per visit, either full day, or half day (or longer period if necessary) which will be fully inclusive of all expenses. An allowance may be agreed upon between the Council and the heritage advisor where distance may require the advisor to undertake extended travel and/or an overnight stay.

A rate or fee may also be agreed upon between the Council and the heritage advisor for additional time requested by the Council outside the advisor's normal hours. This should be specified in the letter of engagement.

It will be the responsibility of the advisor to provide for professional indemnity insurance (unless funded or provided by the municipality) and other expenses incurred. The advisor will not undertake any work that is not covered by the terms of the professional indemnity insurance.

The Council will not be required to pay for workers compensation, superannuation, annual leave etc or any costs in addition to the agreed fees.

8. CONFLICTS OF INTEREST

The advisor shall inform the Council of any possible conflict of interest as soon as this is known.

Whilst working in the capacity of heritage advisor, the appointee, or persons or firms with which the appointee has a formal and/or financial association, may not undertake other paid work on any heritage place in the Council area except as follows:-

- a. Continuation of architectural services to completion on a heritage project which had commenced prior to the advisor's appointment.
- b. Work commissioned by the Council as an extension of the existing consultancy.
- c. Where, at Council's discretion, the advisor is best equipped to undertake a minor project on Council's behalf.

9. TERMINATIONS

Either party may terminate the appointment as heritage advisor on one month's written notice. The advisor may only be dismissed by the Council on grounds of a clear dereliction of duty or incompetence. Before taking action to dismiss the heritage advisor, the Council shall consult with Heritage Victoria - Department of Planning and Community Development on the grounds for the proposed dismissal.

The terms of the contractual document may be varied with the agreement of both parties.

SUGGESTED DRAFT LETTER OF ENGAGEMENT FOR HERITAGE ADVISOR

(add or delete as appropriate)

Dear _____

HERITAGE ADVISOR CONSULTANCY FOR _____

In reference to your application for the position of heritage advisor with this Council, I am pleased to advise that you have been selected to undertake this role.

This consultancy is offered subject to the basic terms and conditions outlined in the attached “Consultancy Brief and Statement of Qualifications and Duties”.

In addition to the attached “Consultancy Brief and Statement of Qualifications and Duties”, the following specific terms and conditions shall apply:-

Supervision arrangements

As heritage advisor, you shall report to _____.

Support services

The Council will provide you with access to the following *(delete or add as appropriate)*:- office space / telephone / word-processing-typing / photo-copying / photographic supplies etc.

(NB Specify any limitations as to the extent of services to be provided and include additional matters as appropriate)

Remuneration/expenses

During the term of this appointment, you will be expected to provide _____ day visits to this municipality.

Payment will be at the rate of \$_____ per day visit which will be fully inclusive of all expenses. You are to meet all personal costs incurred on these occasions.

Where you are required to undertake additional work outside normal hours, this shall be at the rate of \$ _____.

Commencement/termination

This is a _____ year contract, subject to annual review and annual budgetary allocations. This consultancy shall apply from __/__/__ to __/__/__. It is required that you commence duties on __/__/__.

If you wish to accept this consultancy in accordance with these terms and conditions, you should sign and date the attached copy of this letter, then return it to the Council by __/__/__.

Yours sincerely

I accept the terms and conditions of the consultancy as specified in this contractual letter and in the “Consultancy Brief and Statement of Qualifications and Duties”.

Signature _____ Date _____