

## **STRATEGIC PROPERTY COMMITTEE**

### **TERMS OF REFERENCE**

#### **1. ESTABLISHMENT**

- 1.1. The Council has established the Strategic Property Committee (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act 1999* ("the Act").
- 1.2. These Terms of Reference were adopted by Council on 24 October 2016 (C635/16).
- 1.3. The Committee may be wound up at any time by resolution of the Council.
- 1.4. The Committee is not established as a "prescribed committee" defined in the Remuneration Tribunal Determination No. 7 of 2014, Allowances for Members of Local Government Councils, as published in the Government Gazette on 31 July 2014.

#### **2. OBJECTIVES**

- 2.1 The Committee is established to assist Council to investigate and make recommendations to Council on strategic opportunities for property acquisition or divestment to support Council's Community Plan.
- 2.2 For purposes of the Committee's role, "property" may include civic buildings, open space, sport and recreation facilities, car parking, residential, industrial and commercial land and buildings.
- 2.3 "Community land" as recorded in Council's Community Land Management Plan must be managed in accordance with the Act.

#### **3. MEMBERSHIP**

- 3.1. The Committee will comprise up to 5 members as follows:
  - (i) 5 Elected Members nominated by the Council;
  - (ii) The Mayor *ex officio*.
- 3.2. A member of the Committee holds office at the pleasure of Council [S.41(5)].

- 3.3. The current members of the Committee are listed at Schedule 1 to these Terms of Reference.
- 3.4. Subject to clause 1.3 of these Terms of Reference, membership of the Committee is as listed on Schedule 1 *unless* a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.
- 3.5. The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.6. Members of the Committee are eligible for re-appointment at the expiration of their term of office up to a maximum of two consecutive terms of the Committee.
- 3.7. The Committee may be re-established by the Council after each Council periodic election.

#### 4. **PRESIDING MEMBER**

- 4.1. The Council will appoint the Presiding Member of the Committee.
- 4.2. The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.
- 4.3. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. Where there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 4.4. The role of the Presiding Member includes:
  - 4.4.1 overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999, the Local Government (Procedures at Meetings) Regulations 2013*;
  - 4.4.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
  - 4.4.3 where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.
- 4.5. In accordance with clause 3.3.2 of the Remuneration Tribunal Determination No. 7 of 2014, where an Elected Member is appointed by Council as the Committee's Presiding Member, he/she is entitled to an allowance of \$150-00 per meeting attended to an aggregate amount of allowance of \$900-00 per annum.

- 4.6. The term of Presiding Member will be from date of appointment until the end of the current term of Council unless otherwise decided by Council.

## **5. OPERATIONAL MATTERS**

- 5.1. The Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to the Council.
- 5.2. The Committee has no delegated power to expend Council funds or contract external parties.
- 5.3. For the purposes of section 41(8) of the Act, the Council's reporting and other accountability requirements are satisfied by the delivery of a copy of the minutes of each meeting of the Committee to each Elected Member of the Council and the inclusion of those minutes in the agenda papers for the next ordinary meeting of the Council.
- 5.4. The Committee shall meet on an as needs basis.
- 5.5. The Committee will meet at a time decided by the Committee.
- 5.6. If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.

## **6. NOTICE OF MEETINGS**

- 6.1. Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:-
  - 6.1.1 to members of the Committee by email or as otherwise agreed by Committee members at least three clear days before the date of the meeting; and
  - 6.1.2 to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

## **7. PUBLIC ACCESS TO MEETINGS**

- 7.1. The Committee shall meet at the Offices of the Council located at 181 Unley Road, Unley SA 5061.
- 7.2. Members of the public are able to attend meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

## 8. MEETING PROCEDURE

- 8.1. The Council has resolved to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* to this Committee.
  - 8.2. Insofar as the Act, the Regulations, the Code of Practice for Meeting Procedures or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
  - 8.3. Subject to clause 8.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.
  - 8.4. A quorum is ascertained by dividing the total number of Committee members by two, ignoring any fraction resulting from the division, and adding one.
  - 8.5. If the Mayor attends a meeting of the Committee as *ex-officio*, the Mayor's attendance will be included in the calculation of quorum.
  - 8.6. Any Elected Member who is not a member of the Committee is able to address members of the Committee and provide contribution at any Committee meeting of which they are not a member in accordance with the Code of Practice - Meeting Procedures, Clause 44.
  - 8.7. All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
  - 8.8. Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote.
  - 8.9. The format of the agenda for all meetings of the Committee is as set out at Schedule 2 to these Terms of Reference.
  - 8.10. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least three clear days before the meeting.
  - 8.11. Any decision of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.
  - 8.12. The Council will provide a support officer for the purposes of co-ordination and preparation of agendas and reports for and minutes of Committee meetings and as a point of contact for all Committee members.
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Responsible Officer: General Manager City Development.

Attendance by: Chief Executive Officer and Executive (as required)

**MEMBERSHIP**

1. Presiding Member: Cr. John Koumi
  
2. Members of the Committee:  
  
Cr. Peter Hughes  
Cr. Don Palmer  
Cr. Luke Smolucha  
  
The Mayor *ex officio*.
  
3. Term: From date of appointment until the end of the current term of Council (unless such appointment is revoked by the Council).  
  
Term commences; 24 October 2016.
  
4. Sitting fees:
  - Presiding Member; In accordance with the Remuneration Tribunal Determination No. 7 of 2014, Allowances for Members of Local Government Councils, as published in the Government Gazette on 31 July 2014, the Presiding Member of a committee which is not a “prescribed committee” is entitled to an allowance. LGA Circular 43.6, dated 26 October 2016, shows the annually adjusted allowance of \$154-00 per meeting attended to an aggregate allowance of \$922-00 per annum.

**NAME OF COMMITTEE**

**A G E N D A**

**Meeting to be held  
(Date and Time)  
Civic Centre  
181 Unley Road, Unley SA 5061**

**MEMBERS:**

Presiding Member  
Committee Members

**REPORT TO COUNCIL:**

**ACKNOWLEDGEMENT (Optional)**

We acknowledge that the land we meet on today is the traditional land of the Aboriginal people and that we respect their spiritual relationship with their country.

We also acknowledge that the Aboriginal people are the custodians of the Adelaide region and that their cultural and heritage beliefs are still important to the living Aboriginal people today.

**APOLOGIES:**

**CONFIRMATION OF COMMITTEE MINUTES:**

**CONFLICT OF INTEREST:**

**DEPUTATIONS:**

**REPORTS OF OFFICERS:**  
**ITEM NO.**

**PAGE No:**

1.

**NEXT MEETING:**

**CRITERIA**

To be established by the Committee.