

**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 22 July 2019 (C0062/2019).
- 1.3. The Committee is not a "prescribed committee" as defined in the Remuneration Tribunal Determination No. 6 of 2018, *Allowances for Members of Local Government Councils*, as published in the Government Gazette on 6 September 2018.

**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 the delivery of Council's Community Plan 2033.
- 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 six (6) Elected Members.
- 3.2. The Mayor is appointed *ex officio* to the Committee.
- 3.3. The term of appointment for Committee Members will be from the date of appointment until the end of the current term of Council.
- 3.4. Membership of the Committee continues for the term of appointment *unless* a member resigns, 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.

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

- 4.1. The Council will appoint the Presiding Member of the Committee.
- 4.2. The term of appointment for the Presiding Member will be from the date of appointment until the end of the current term of Council.
- 4.3. 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.
- 4.4. 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. If 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, then 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.
- 4.5. The role of the Presiding Member includes:
  - 4.5.1. overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999*, and the *Local Government (Procedures at Meetings) Regulations 2013*.
  - 4.5.2. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.
- 4.6. In accordance with clause 3.3.2 of the Remuneration Tribunal Determination No. 6 of 2018, the Presiding Member of the Committee is eligible for an allowance per meeting attended up to a determined aggregate amount per annum.

#### **5. OPERATIONAL MATTERS**

##### **5.1. Frequency of Meetings**

- 5.1.1. The Committee shall meet on an as needs basis. The CEO is authorised to determine the time and date of each meeting of the Committee.
- 5.1.2. The CEO is authorised, after consulting with the Presiding Member of the Committee, 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.

##### **5.2. Delegation**

- 5.2.1. The Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to the Council.
- 5.2.2. The Committee has no delegated authority to expend Council funds or contract external parties.

### 5.3. Notice of Meetings

5.3.1. 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:-

- (a) to members of the Committee by email, or in a form as otherwise agreed by Committee members, at least 3 clear days before the date of the meeting; and
- (b) 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.

5.3.2. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least 3 clear days before the meeting.

### 5.4. Reporting

5.4.1. For the purposes of section 41(8) of the Act, the Council determines that the Committee will satisfy reporting and other accountability requirements through the presentation of the minutes of each meeting of the Committee at the next ordinary meeting of the Council following each Committee meeting.

### 5.5. Public Access to Meetings

5.5.1. The Committee shall meet at the Offices of the Council located at 181 Unley Road, Unley SA 5061.

5.5.2. Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

## 6. MEETING PROCEDURE

6.1. The Council has resolved to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* to this Committee.

6.2. Insofar as the Act, the Regulations, the Code of Practice - 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.

6.3. Subject to clause 6.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.

6.4. A quorum is ascertained by dividing the total number of Committee members by two, ignoring any fraction resulting from the division, and adding one.

6.5. If the Mayor attends a meeting of the Committee as *ex-officio*, the Mayor's attendance will be included in the calculation of quorum.

6.6. 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.

- 6.7. 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 and the matter will be referred to Council for decision.
- 6.8. Clause *UNCM Elected Member Non-Committee Member Contribution at Committee Meetings* of the Code of Practice: Procedures at Meetings provides that an Elected Member who is not a member of the Committee may, at the discretion of the presiding member, address members of the committee and provide contribution at any committee in accordance with the specified procedure.
- 6.9. 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.

<b>Responsible Department:</b>	City Development
<b>Responsible Officer:</b>	General Manager City Development
<b>Date Adopted</b>	22 July 2019
<b>Reference/Version Number</b>	7.0

