



CUMBERLAND
CITY COUNCIL

Terms of Reference

Cumberland Property Committee

AUTHORISATION & VERSION CONTROL

Terms of Reference (TOR) No	TOR-001
TOR Owner	Director Governance & Risk
Date Adopted	5 October 2022
Version No	1.0
ECM Number	9743750
Review Date	October 2024

1. Purpose

The Cumberland Property Committee is a Committee of Cumberland Council and is constituted under the Local Government Act 1993. The Committee is purely advisory and may not commit Council resources.

The Cumberland Property Committee is formed to advise Council on the strategic use and disposal of Council owned land, operational and community land and matters related to Council properties and future land acquisitions by the Council.

2. Tenure of Committee

The Cumberland Property Committee is established for the term of 2 years from the appointment of members unless disbanded earlier by Council resolution.

3. Objective

To advise:

- On the management of Council owned land/properties to achieve best outcome.
- On acquisitions of land/properties by the Council for the benefit of the community
- On disposal of Council owned land/properties

4. Role

The role of the Cumberland Property Committee is to:

- Provide coordinated approach to deal with Council property matters including redevelopment or disposal of Council properties/Council facilities.
- Provide guidance to deal with lease and licences on Council properties
- Provide guidance to acquire properties to fulfil the Council delivery Program
- Guide the development of Council's approved plans and their relationship to property development matters and leases.

5. Membership

Membership of the Cumberland Property Committee will consist of:

Voting Members:

- Mayor
- Four (4) Elected Members

Non-Voting Members:

- General Manager
- Director Governance & Risk
- Manager Special Projects
- Independent property specialist member as determined by the committee
- Any other Council officers as determined by the committee.

6. Notification of Vacancies

The Property Committee is to notify the Council promptly of any vacancy occurring in its membership that affects the capacity of the Property Committee to function. The Property Committee is to submit a report to Council, within 28 days, to nominate another elected member.

7. Chairperson

The Mayor will be the chairperson or their Nominated Voting Member will chair the Property Committee. In his/her absence, the Committee may elect another elected member as the Chairperson.

8. Quorum

The quorum for a meeting of the Property Committee will be three (3) of the elected members. If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson.

Where there is no quorum, the members present can hold an informal meeting to discuss matters. However, any recommendations made by the Committee are not recognised until a meeting, where a quorum is present, is held.

9. Times and Places for Meetings

The Property Committee will meet once in two months at dates and times as determined by the Committee (with the exception of the first meeting of a new Committee term). An extraordinary meeting may be called where circumstances warrant.

Meetings will normally be held at either the Auburn Service Centre at 1 Susan Street Auburn, or the Merrylands Service Centre at 16 Memorial Avenue, Merrylands.

10. Meeting Procedures

Committee Members are expected to attend all Property Committee meetings where possible. If a member is unable to attend, an apology is to be provided to the meeting convener prior to the meeting.

The Property Committee is required to follow Council's adopted Code of Meeting Practice. The Committee should ensure that any proposed actions or resolutions are clear.

11. Decision Making

Wherever possible, the Property Committee should seek to achieve a consensus on decisions/recommendation or actions.

Where a matter is voted on, each voting member of the Property Committee is entitled to one vote.

Where a vote is tied the Chairperson may exercise a casting vote.

Voting can be conducted in two ways, either verbally or by show of hands (or in special circumstances in another appropriate way as agreed by the committee members).

12. Conflict of Interest

Property Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. This includes potential conflicts or a perception of conflict. Details of any conflicts of interest are to be appropriately minuted. Where members or invitees at Property Committee meetings are deemed to have a real or perceived conflict of interest, the member is precluded from Committee deliberations on the issue.

13. Administration of the Committee

The Committee will be convened by the General Manager.

A Property specialist member/advisor to Council will also attend meetings and provide expert advice to the Committee.

Council staff will provide the following administrative support to the Property Committee, as required:

- Notification of times of meetings and the meeting agenda and provide confirmation of meeting venue.
- Preparation and distribution of minutes.
- Background reports and other information as required.
- Reports to Council.
- Any other correspondence to Committee members
- Catering for meetings.

14. Minutes

Minutes of the Property Committee meeting are to be endorsed by the Chairperson prior to being circulated to the Property Committee and submitted to the next available Ordinary Meeting of the Council as appropriate.

The minutes will contain:

- Description of the meeting, date, time and venue at which the meeting was held.
- A list of persons present and any apologies.
- Notation of the adoption of minutes from the previous meeting.
- Whether there was business arising from the minutes.
- Notation of reports, correspondence and recommendations.
- Items of general business.
- Time meeting closed, date and venue of next meeting.

Minutes of each Committee Meeting will be reported to Council and the report is to highlight any recommendation arising from the Meeting that the Committee considers to be of sufficient importance to bring to the attention of Council. The minutes of all Committee meetings become public documents on reporting to Council.

15. Reports

It may be appropriate for Committee member/s to follow up on matters arising from the previous meetings. Where this takes place, such member/s will be required to take appropriate notes and report back to the Committee on the matter.

A Council officer will prepare reports, as requested by the Property Committee or as otherwise considered appropriate, for the consideration of the Committee.

16. Agenda and Meeting Notification

Agenda items are to be submitted to the Convener of the Committee at least 21 days prior to the next scheduled meeting date.

Members should describe nominated agenda items in sufficient detail to help members to understand the issues before them.

Urgent / late items not on the agenda are to be dealt with and determined in the appropriate manner in accordance with Council's adopted Code of Meeting Practice or equivalent document.

Notification of meetings will be given to Committee Members by the Convener at least one week in advance, specifying the time and venue, together with a copy of the agenda and any reports.

17. Expenses of Committee Members

Council will not generally authorise payment or provide remuneration to Property Committee members (apart from the External Independent property specialist)

18. Insurance

Members of the Property Committee are covered by Council's public liability and professional indemnity insurance.

19. Media Contact

Members of the Committee may not speak to the media on behalf of the Committee or Council without prior approval from the General Manager and liaison with Council's Public Relations Officer in accordance with Council Media Policy.

20. Changing the Terms of Reference

The following procedure will apply where a Property Committee member seeks to amend these Terms of Reference:

- The Property Committee must consider and vote on any proposed changes to the Terms of Reference
- Any proposed change is to be approved by Council.
- Any changes will be advised to Property Committee members.
- Any requests from Council management to amend the Terms of Reference are to be made through the General Manager for submission to Council.

21. Standard Operating Procedures

All other procedures are to be in accordance with Council's Manual for Standard Operating Procedures and Code of Meeting Practice.