

TERMS OF REFERENCE PROPERTY COMMITTEE

1. Title, establishment and membership

- (a) The committee will be called the Shire of Mundaring Investment Property Committee.
- (b) The committee is established with effect from [date] under the provisions of sections 5.9(2)(e) and 5.17(1)(c) of the *Local Government Act 1995*.
- (c) Membership of the committee shall comprise:
 - (i) The Chief Executive Officer of the Shire or his delegate; and
 - (ii) Three external persons appointed for their specialist knowledge and experience of the property industry; and
- (d) The Committee will appoint a Chair from among the committee members.
- (e) External persons appointed as members of the committee shall be appointed for a period of two years with a right of reappointment, provided that no such person may be appointed for more than two consecutive two-year terms.

2. Purpose and functions

- (a) The purpose of the committee is:
 - (i) To advise Council on any matters concerning the freehold property holdings of the Shire of Mundaring;
 - (ii) To make such decisions concerning the freehold property holdings of the Shire of Mundaring as may be within the powers delegated to it by Council; and
 - (iii) In exercising its delegated powers, to have due regard to Council Policies and objectives for the community of the Shire of Mundaring in so far as they relate to freehold property owned by the Shire.
- (b) Subject to the provisions of the Local Government Act 1995 and the limitations of any delegation of powers to it by Council, the functions of the committee are:
 - (i) To make evaluations, such decisions as may be required in relation to the sale or lease of the Shire's investment property holdings.
 - (ii) To appoint specialist consultants and contractors as may be required for the proper and efficient administration of the Shire's freehold property holdings, and to approve terms for such appointments.
 - (iii) To commission site investigation, design and planning services as may be required to properly evaluate the potential development of any of the Shire's investment property holdings.

- (iv) To evaluate the commercial feasibility of the potential development of any of the Shire's investment property holdings.
- (v) To invite and evaluate proposals for commercial partnerships for the development or redevelopment of any of the Shire's investment property holdings.
- (vi) To recommend for the approval of Council proposals for the development or redevelopment of any of the Shire's investment property holdings including proposed commercial arrangements by which the development activity is to be implemented.
- (vii) To recommend for the approval of Council proposals for the purchase or exchange of property proposed to be added to the Shire's freehold property holdings
- (viii) To approve arrangements under delegated authority of Council for the implementation of any decision approved by Council for the sale or development of any of the Shire's freehold property holdings.
- (ix) To approve the award of such contracts as may be required for the proper and efficient carrying out of these functions within the limits of delegation.

3. Meetings and proceedings of the committee

- (a) The committee shall meet as often and at such times as the committee itself shall determine.
- (b) Meetings of the committee shall not be open to the public, and all proceedings and records of the committee shall be confidential (subject to the requirements of the Local Government Act and the Freedom of Information Act)
- (c) Subject to these terms of reference and any specific direction by Council, the committee shall be responsible for establishing its own procedures.
- (d) A quorum of the committee shall be three, of whom one must be the Chief Executive Officer of the Shire or his delegate.
- (e) Decisions of the committee shall be by simple majority, except where required by the Local Government Act 1995 to be by absolute majority, provided that any decision not supported by the Chief Executive Officer of the Shire or his delegate shall be reported to Council.
- (f) Elected members of Council may attend and speak at meetings of the committee under such terms as the Chair may decide.
- (g) Committee members will be subject to the requirements of the Local Government Act and Regulations with respect to disclosures of any interests.

4. Reports to Council

- (a) The committee shall report to Council:
 - (i) quarterly in relation to its activities and decisions;
 - (ii) in relation to any matter requiring a decision by Council;
 - (iii) to the next available Council meeting, any decision of the committee to which clause 3(e) applies; and
 - (iv) otherwise as required by Council.

Schedule of Delegations for Property Committee

Disposal (includes sale or lease) of property	Unlimited, subject to compliance with: <ul style="list-style-type: none"> • sections 3.58, 3.59 of LGA • being within 10% of independent valuation
Award of new lease	Unlimited, subject to sections 3.58, 3.59 of LGA
Termination of existing lease	Unlimited
Variation of existing lease terms	Unlimited, subject to appraisal as being commercially appropriate
Adjustments to rent payable – increase - decrease	Unlimited, subject to being within 10% of independent valuation Unlimited subject to offsetting lessee concessions of equivalent value 10% of rent payable if considered commercially appropriate
Purchase or exchange of freehold property	As delegated by Council
Appointment of specialist consultants and contractors	\$50,000 subject to overall Council budget provision
Minor works, including demolition and site investigations	\$100,000 subject to overall Council budget provision
Legal and financial advice	\$50,000 subject to overall Council budget provision
Award of contracts	As delegated by Council
Commercial development arrangements	As delegated by Council