



Charter title	Asset Advisory Committee Charter
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# 1 Interpretation

- 1.1 **Act** means the *Local Government Act 1993* (NSW).
- 1.2 **Attendee** means a person entitled to attend a meeting of the Committee, however, do not have any entitlement to vote on matters before the Committee.
- 1.3 **Chairperson** means the person appointed in accordance with clause 10.
- 1.4 **City of Newcastle (CN)** means Newcastle City Council
- 1.5 **Council** means the elected Council
- 1.6 **Committee** means CN's Asset and Investment Committee constituted in accordance with clause 7.
- 1.7 **Member** means those described in clause 7.
- 1.8 **Facilitator** means a Council officer appointed to fulfil the tasks set out in clause 11.
- 1.9 **CEO** means the Chief Executive Officer of CN and includes their delegate or authorised representative.  
  
References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).
- 1.10 **Guest** means any person invited by the Chairperson, CEO or at the request of the Committee to attend a meeting only for a specific purpose. Guests have no voting rights.
- 1.11 **Secretary** means the CN Officer appointed by the CEO to fulfil the role of secretary.

Unless stated otherwise, a reference to a clause is a reference to a clause of this Charter.

## 2 Responsibilities

- 2.1 This Committee was constituted to investigate, consider, and provide advice on strategic property asset issues within this Charter.
- 2.2 This Committee will, where considered beneficial, work collaboratively with CN's other committees to consider issues that are within the charters of more than one committee.
- 2.3 This Committee will, where deemed necessary by the Committee, form working parties to investigate, consider, and provide expert advice on defined tasks and issues.
- 2.4 The Committee will consider issues within its Charter which are referred to it by Council.

## 3 Purpose

- 3.1 The Asset Advisory Committee is an internal committee of councillors and senior officers
- 3.2 The purpose of the Committee is:

- 3.2.1 To provide advice on development of strategies related to CN landholdings that support urban policy and frameworks to achieve liveability objectives.
- 3.2.2 To provide advice on acquisition of land and buildings for strategic purposes
- 3.2.3 To provide advice on disposal of Council land and buildings that are excess to CN's needs or do not meet CN's investment benchmarks
- 3.2.4 To consider subdivision of CN land required for the implementation of CN's strategies
- 3.2.5 To provide advice on the reclassification of Community or Operational land
- 3.2.6 To provide advice on the development, re-development or adaptive re-use of CN's land and buildings
- 3.2.7 To consider and advise on entering into or varying leases between CN and third parties on Community and Operational land (including Crown Land managed by CN);
- 3.2.8 To consider and advise on providing Owners Consent associated with the use, fitout and development of leased properties
- 3.2.9 To provide advice to support the principle of long-term financial sustainability in the delivery of the annual capital works program
- 3.2.10 To provide advice on select major capital works projects (approx. \$10M+ cost across multiple delivery years).

## **4 Matters for consideration**

- 4.1 Matters that meet the purpose of the Committee will be reviewed by the Facilitator and Director responsible for the Committee to determine if they are to be listed for discussion.

## **5 Establishment and dissolution**

- 5.1 The elected Council resolved to establish the Committee on 17 November 2009. The Committee is a standing committee, which remains established across Council terms.
- 5.2 The Committee may be dissolved by resolution of the elected Council.

## **6 Authority**

- 6.1 The Committee is an advisory committee only. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of CN rests with the Council and the CEO, as provided in the Act.
- 6.2 The Committee's resolutions, which record its decisions, should be treated only as recommendations of the Committee.
- 6.3 The CEO or relevant Director responsible for implementing a recommendation made by the Committee may action resolutions as they deem appropriate in

accordance with their individual delegations and authorisations, or refer the matter to the elected Council for determination.

- 6.4 The Committee is not a council committee as defined in section 373 of the Act, because its membership is not constituted solely by councillors. The Chairperson of the Committee may, if considered reasonably necessary and in consultation with the CEO, request external professional advice to allow the Committee to meet its responsibilities.
- 6.5 The Chairperson may, in consultation with the CEO, request that the Committee be updated on select major projects within the capital works program.
- 6.6 The CEO may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

## **7 Membership**

- 7.1 The Committee is constituted with up to seven ordinary members:
  - 7.1.1 Three Councillors appointed by the elected Council; and
  - 7.1.2 CEO; and four Directors as determined by the CEO from time to time
- 7.2 Members are entitled to vote on matters before the Committee.

## **8 Selection of Councillor Members**

- 8.1 Council will call for nominations for Councillor Members at the commencement of each Council term.
- 8.2 The elected Council will elect three Councillor Members by resolution, including a Chairperson, Deputy Chairperson and Ordinary member.
- 8.3 Councillor Members remain Members of the Committee until:
  - 8.3.1 the conclusion of their term of office;
  - 8.3.2 they resign; or
  - 8.3.3 their membership is otherwise terminated.
- 8.4 If re-elected to Council, retiring Councillor Members are entitled to nominate for re-appointment.

## **9 Responsibility of Members**

- 9.1 Members are expected to:
  - 9.1.1 understand the relevant legislative and regulatory requirements applicable to CN;
  - 9.1.2 be able to contribute the time needed to understand the Committee's business papers and to attend Committee meetings; and
  - 9.1.3 In accordance with this Charter, provide advice and feedback on matters brought before the Committee.
  - 9.1.4 Maintain confidentiality of matters discussed at the Asset Advisory Committee.

## **10 Appointment and responsibility of Chairperson**

- 10.1 The Chairperson will be appointed by the elected Council.
- 10.2 The Chairperson will be responsible for keeping order at the meeting.
- 10.3 In the absence of the Chairperson, the Deputy Chairperson will chair the meeting. In the absence of both, a Member of the Committee will be nominated by the Committee to chair the meeting.

## **11 Responsibility and requirements of the Facilitator**

- 11.1 The Facilitator will be a suitably qualified CN officer, as determined by the CEO. The position may be shared amongst a number of suitably qualified CN officers.
- 11.2 The role of the Facilitator is to:
  - 11.2.1 Arrange for a report regarding the selection of Councillor Members and a Committee Chairperson to be tabled before the elected Council at the commencement of each Council term.
  - 11.2.2 Make committee governance papers (including but not limited to this Charter and CN's applicable policy/guideline documents) available to committee members, Councillors and relevant CN officers;
  - 11.2.3 Liaise with Members, including Councillor Members, where the Members have a day to day enquiry of an administrative nature (including clarification of a Committee report or information about a meeting or process);
  - 11.2.4 Facilitate discussion at committee meetings, provide input at Committee meetings and participate at Committee meetings as an attendee;
  - 11.2.5 Where appropriate, liaise closely with the facilitators of CN's other committees to assist collaboration between committees, the sharing of information and the efficient use of CN and Member resources, where approved by the Committee; and
  - 11.2.6 Work closely with the Chairperson and other Committee Members to administer the Committee and its meetings.

## **12 Responsibility and Requirements of the Secretary**

- 12.1 The Secretary will be a suitably qualified CN officer who undertakes the following functions: (insert/delete as required)
  - 12.1.1 prepare agendas;
  - 12.1.2 maintain the register of members;
  - 12.1.3 maintain meeting attendance register;
  - 12.1.4 take minutes at committee meetings and prepare them for dissemination;

- 12.1.5 accept and collate committee business papers prepared or submitted by CN officers, committee members, working parties and stakeholders;
  - 12.1.6 make agendas, minutes and committee business papers available to committee members, Councillors and relevant CN officers;
  - 12.1.7 book meeting venues and organise the provision of any necessary equipment; and
  - 12.1.8 provide administrative assistance to the Facilitator
- 12.2 The role of the Secretary may be shared amongst a number of suitably qualified CN officers or be the same person.

## **13 Termination of Membership**

- 13.1 Membership of any Member may be terminated by Council resolution of the elected Council, due to
- 13.1.1 the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance or the granting of leave by resolution of the Committee; or
  - 13.1.2 the Member's conduct being inconsistent with this Charter or CN's Code of Conduct.
- 13.2 Councillor membership terminates immediately upon a Councillor Member no longer being a Councillor.
- 13.3 If a Councillor Member does not remain on the Committee for the entire Council term, appointment of a replacement Councillor Member must be by resolution of the elected Council as soon as practicable after the Councillor Member ceases to be a Member of the Committee.

## **14 Attendance at meetings**

- 14.1 Attendance at any meeting of the Committee is limited to the following:
- 14.1.1 Members;
  - 14.1.2 Facilitator and Secretary;
  - 14.1.3 Other CN Directors, officers or guests, by invitation of the Chairperson, CEO or as approved by a resolution of the Committee.

## **15 Meeting administration**

- 15.1 The CEO is responsible for ensuring that the Committee has adequate secretarial support and access to administrative resources by appointing a Secretary.

## **16 Quorum**

- 16.1 A quorum is constituted by attendance of at least four Members, including at least one Councillor, and either the CEO or one Director.

## **17 Meeting schedule**

- 17.1 The Committee will meet at least four times per year in August, November, February and May, on the third Thursday of the month or as resolved by the Committee.
- 17.2 A forward meeting plan will be agreed by the Committee prior to the end of each financial year.
- 17.3 Additional meetings may be scheduled by the:
  - 17.3.1 Chairperson;
  - 17.3.2 Committee by resolution; or
  - 17.3.3 CEO.

## **18 Meeting agendas**

- 18.1 The Secretary will provide notice of meetings, including the agenda and business papers, to Members at least seven (7) days prior to the day of the meeting. These may be transmitted electronically.

## **19 Resolutions of the Committee**

- 19.1 Resolutions of the Committee must be consistent with this Charter which limits decisions (resolutions) of the Committee to be treated as recommendations only as set out in clause 6.
- 19.2 The Committee will make decisions (resolutions) by majority vote and record its decisions (resolutions) in the minutes of the Committee meeting.

## **20 Reports**

- 20.1 The relevant Director responsible for implementing a recommendation made by the Committee must report to the Committee as required, as to the status of actions taken. The Facilitator will coordinate such reports.
- 20.2 The Committee may submit reports to Council where a Council resolution is required to enact a recommendation of the Committee.
- 20.3 The Committee will report at least annually to the elected Council on attendance, a summary of performance and key items of business (having regard for confidentiality of commercial in confidence information).

## **21 Minutes**

- 21.1 All Committee business will be appropriately minuted and recorded by the Secretary, including registration in accordance with CN's Records Management Policy.
- 21.2 Draft minutes of the previous meeting will be distributed to the Committee at least seven (7) days prior to the next meeting.
- 21.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.

## **22 Conduct by members and attendees**

- 22.1 All Members and attendees are expected to conduct themselves in accordance with CN's Code of Conduct. Any behaviour inconsistent with the Code of Conduct will be treated as a breach of the Code of Conduct and will be dealt with it accordingly.
- 22.2 Conflicts of Interests must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 22.3 Significant Pecuniary or significant non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

## **23 Public Comment**

- 23.1 The Lord Mayor or CEO are the official spokespeople for the Committee, in accordance with CN's Media Policy, and no other Members should speak to the media or members of the public in regard to Committee business.

## **24 Confidentiality**

- 24.1 Due to the potential commercial implications, items of Committee business remain confidential unless confirmed otherwise by the CEO.
- 24.2 Prior to attending a meeting, any guests invited in accordance with clause 14.1.4 (who are not Councillors or CN officers) must sign a Deed of Confidentiality and agree to abide by the terms of Council's Code of Conduct relating to confidentiality.
- 24.3 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

## **25 Induction**

- 25.1 New Committee Members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

## **26 Review of Committee performance**

- 26.1 In consultation with the Chairperson and CEO, the Facilitator will initiate a review of the Committee's performance at least once every two years.

## **27 Review of Charter**

- 27.1 This Charter will be reviewed as soon as is reasonably practical after a council resolution to appoint Councillor members at the commencement of each new Council term. and may only be amended by resolution of the elected Council.