

**ORDINARY MEETING OF COUNCIL
23 NOVEMBER 2009**

16 **PROPERTY POLICY**

LOCATION/ADDRESS:

GENERAL MANAGER: **MARK BRADY, GENERAL MANAGER
CORPORATE SERVICES**

PREPARED BY: **DAVID GRAFFEN PROPERTY
COORDINATOR**

FILE NO.:

ATTACHMENTS: **DRAFT COUNCIL POLICY 30/10/2009**

1. EXECUTIVE SUMMARY

- 1.1 This report proposes that Council adopts a Property Policy which sets out an approach to managing its properties. It is proposed that this policy replace the policy adopted by Council at its meeting held on 28 April 2008.
- 1.2 Council owns or controls property as custodian on behalf of the community and is committed to the responsible management of assets and resources. Properties will be managed in order to provide benefit to the community now and into the future.
- 1.3 The policy contains general overarching principles and a framework for decision making for various categories of property holdings.

2. RECOMMENDATION

That Council:

- 2.1 Adopts the attached Property Policy which sets out a framework for how Council will make decisions about property noting that this replaces the previous Property Policy adopted by Council on 28 April 2008.

3. BACKGROUND AND CONTEXT

- 3.1 Council controls a large portfolio of land and buildings as custodian on behalf of the community. The properties are generally owned by Council in fee simple or managed by Council as a Committee of Management for crown land. A small portion of the portfolio is leasehold. Property is integral to Council to enable it to carry out its civic responsibilities, support public enjoyment of public assets and creating community benefit now and into the future.
- 3.2 It is proposed that Council adopt some general principles about how to manage and make decisions about property. Those principles are summarized as follows.

- 3.2.1 Council owns and manages property in order to provide benefit to the community now and into the future.
- 3.2.2 Any significant changes to use of a property requires Council approval.
- 3.2.3 If the purpose for Council owning a property no longer applies, Council approval is required property can be divested.
- 3.2.4 Leasing or licensing should generally follow an open competitive process.
- 3.2.5 The terms and conditions of any lease or licence will be relevant to the use, future use and take account of special factors related to the property.
- 3.2.6 Council prefers to own property but may choose to rent where appropriate, and
- 3.2.7 Council may acquire property for a strategic purpose.
- 3.3 Properties are generally held for a specific purpose including the following;
 - 3.3.1 Council occupied properties and properties providing Council services,
 - 3.3.2 Child and family services properties,
 - 3.3.3 Community managed sporting facilities,
 - 3.3.4 Other community managed properties,
 - 3.3.5 Residential properties, and
 - 3.3.6 Commercially occupied properties.
- 3.4 Each of the property categories has a special purpose and this will be reviewed on a regular basis. Where a lease or licence is proposed, the draft policy makes general recommendations about rent for each of the property categories.

4 CONSULTATION AND STAKEHOLDERS

- 4.1 The property policy is internally focused. Departmental managers that have an interest in how property is used have been consulted in the formulation of the policy.
- 4.2 Property policy has been the subject of Councillor interest over the past two years and more particularly in the past few months. Feedback from Councillors has had a significant bearing on the policy development.

5. DISCUSSION

5.1 OPTIONS

- 5.1.1 Council could choose to reject or amend the proposed policy. In these circumstances there would be no change to how property is managed. Having a policy position to rely on when making decisions about property is preferred and recommended.

5.2 ALIGNMENT TO COUNCIL PLAN

- 5.2.1 The Council Plan 2009-2013 commits the Council to responsibly managing community assets and resources now and into the future and the proposed property policy is considered to be a platform for that direction.

5.3 POLICY IMPLICATIONS

- 5.3.1 The proposed property policy is intended to replace the Property Policy and Strategy adopted by Council on 28 April 2009.

5.4 FINANCE / RESOURCE IMPLICATIONS

- 5.4.1 There are no immediate finance or resource implications associated with the recommendation.

5.5 LEGAL & RISK IMPLICATIONS

- 5.5.1 An advantage of having a policy platform is that it should minimise legal, financial, political and social risks inherent in decision making. An aggrieved tenant, for example, cannot claim to be unfairly treated by Council if a decision is in line with policy.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

- 6.1.1 If adopted the proposed property policy will be implemented immediately.

6.2 COMMUNICATION

- 6.2.1 The property policy will be evident in Council decisions about how properties are used and managed.

7. OFFICER DIRECT OR INDIRECT INTEREST

- 7.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.