

Mount Barker District Property Lead Strategy

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MOUNT BARKER
DISTRICT COUNCIL

Acknowledgement of country

Council acknowledges the traditional owners and Custodians of the lands of the Mount Barker District. We respect the First Nations people and their spiritual relationship with their country and their cultural and heritage beliefs.

Revision	Issue Date	Distribution	Notes
1	02/12/24	MBDC Staff	Preliminary draft issue for consultation
2	03/03/25	MBDC Staff	For endorsement

Our 2044 vision To be the most liveable region in South Australia.

Which means...

“A liveable place is somewhere that is: safe, attractive, inclusive, and environmentally sustainable; with affordable and diverse types of housing, public open space, local shops, health and community services, leisure and cultural opportunities; with opportunities for employment and education all accessible by convenient public transport, walking and cycling.”

— Australian Urban Observatory, 2024

Our 5 pillars to achieve this are



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1. Introduction

Mount Barker District Council (Council) is responsible for the management of property including land and built assets across 776.45 ha, of which 249.9 ha is classified as Crown Land. Council's Property portfolio includes Community, Operational and Commercial assets that are leased, licensed or under a management agreement.

As a growth Council, we are presented with a unique opportunity to take steps and actions that anticipate and advance the interests, needs and demands of our community, from now into the future. Property by its very nature involves substantial commitments that have long term impacts, that is why we have aligned the objectives, key principles and action plan of the Property Strategy with the overarching, long-term strategic priorities of Council and the vision and strategic objectives set out in the Community Plan 2044.

Purpose

The Property Strategy formalises Council's approach to the strategic management of its property portfolio and aligns Council's organisational objectives with its service delivery objectives and community expectations.

The Property Strategy will enable Council to best realise the value and benefits from its properties, whether in financial or service delivery terms, and will enable Council to meet the needs of the community as they evolve over time. Further, the Property Strategy will assist Council in minimising risk and guiding future strategic decision making, investments and budget allocations in relation to its property holdings.

Scope

This Property Strategy applies to all Council property assets (land and buildings), that are either Council owned or managed (including Crown land), whether in full or part, or occupied by Council as lessee.

Council's Open Space Strategy (OSS) should be referenced in relation to land use matters relevant to Council's Parks and Reserves.

Council's Strategic Asset Management Plan (SAMP) should be referenced in relation to the condition ratings of Council's building assets.

Council owns considerable road assets which are not included in the scope of this Strategy. Council-owned roads are managed through Council's Strategic Asset Management Plan (SAMP).



2. Context and background

Strategic Framework

The Strategy is influenced by the Mount Barker District Community Plan 2044 and the draft Strategic Asset Management Plan (2024). Likewise, the Strategy sets and influences the development of numerous future council documents and actions as shown in the figure below.



Background

Mount Barker District Council's strategic vision is:

"To be the most liveable region in South Australia."

Mount Barker District Council has 5 key pillars to help achieve its 2044 vision. These pillars are environment, people, place, economy, and leadership.

Property is a highly valuable resource that can do much to support and deliver Council's vision and strategic objectives. By its very nature, Property directly impacts and supports, the success and performance of services provided by the Mount Barker District Council, particularly when community services and priorities change over time. It is understood, that the demand on Council's Properties will increase as a result of predicted growth and development occurring in the district. As such, it is important that Council's property portfolio remains flexible and adapt to changing needs.

With the current and forecast growth predictions for our region, Mount Barker District Council is committed to ensuring a strategic, robust set of objectives, key principles, action plans and policies exist to guide decision making when it comes to its property holdings. This is relevant whether it be for acquisition, leasing, use, maintenance or disposal.

This Property Strategy will enhance the performance of key property assets and in turn assist in delivering the Council's Community Plan 2044 objectives in the context of its long-term goals.

The Property Strategy 2025-2035 will serve as the highest level of planning and lay the path for the future development of additional policies, plans and procedures in the property area.

Football Pitches 1 & 2 and Clubrooms



Football Pitch 1
Clubrooms 
Grandstand



Football Pitch 2
Change Room



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3. Property Classifications and Categories of Uses

3.1 Property classifications

Council owned land

All Council owned land must be classified as either Community Land or Excluded Land.

Community Land:

Community Land is described by Chapter 11 of the Local Government Act 1999 as all local government land (except roads) that is owned by a Council, or under a Council's care, control and management at the commencement of the Act and is taken to have been classified as community land unless otherwise excluded and is held for the use and enjoyment of the public.

Community Land is also characterised as land that:

- cannot be sold unless revocation of the community land classification is approved by Council and The Minister (Sec 194 of the Local Government Act 1999);
- cannot be used for business purposes unless approved by Council (Sec 200 of the Local Government Act 1999);
- can have the grant of a lease or licence for occupation, as approved by Council, for a period of time not exceeding 42 years (Section 202 of the Local Government Act 1999).
- can have a permit for activity of a 'short term' nature issued by Council.

Community Land must have a Community Land Management Plan prepared for it in accordance with Section 196 of the Local Government Act 1999.

Excluded Land:

Excluded Land does not have any special legislative restrictions other than those that may apply to any piece of land e.g. Planning & Development.

Land classified as 'excluded' includes commercial property (either held for capital gain or providing rental yields).

Council owned public roads

Public Roads are described by Section 4 of the Local Government Act 1999; as any road or land that was, immediately before the commencement of this Act, a public street or road, including an alley, laneway, walkway or other similar thoroughfare vested in the council.

In accordance with the Roads (Opening and Closing) Act 1991, council's may open land to create a road or close a road to create a separate land holding (either community or excluded land).

Division 6 of the Local Government Act 1999, allows Councils to issue a:

- Licence for an activity on Road Reserve (Section 221), or a
- Permit for business purposes on Road Reserve (Section 222).

Crown land (Council as custodian of land)

The management of Crown Land is governed by the Crown Land Management Act 2009, which authorises Council to manage Crown Land as if it were Community Land under the Local Government Act 1999.

Council, in its capacity as a custodian of Crown Land, is required to create Community Land Management Plans for these parcels of land under Section 196 of the Local Government Act 1999.

Properties leased / licensed from others

Council may lease or license properties from other parties where:

1. The property or part of the property being used by Council will contribute to Council meeting its statutory, service delivery and/or community requirements;
2. Council possesses the required resources and capability (which may be supplemented by external parties as required) to manage the property or part thereof; and
3. Ownership of the property would be impractical, inappropriate or otherwise problematic. This may be due to a pre-existing arrangement, or as a result of Council determining the value to be realised from leasing / licensing being greater than the value that could be realised if Council were to assume ownership of the property, or similar reason.

Examples of properties currently being leased / licensed by Council include 6 Dutton Road, Mount Barker (Civic Centre).



3.2 Categories of uses of Council property

Council has defined and categorised its property portfolio to include the following:

Community property - sport and recreation

Community Property – Sport and Recreation properties are sporting and recreation grounds, buildings and facilities used by the community, sporting groups, associations and committees to provide formal and informal sporting, recreational and community activities.

These facilities are generally located on Community Land and are managed within the provisions of a Community Land Management Plan to deliver facilities that provide opportunity for sporting participation and community events.

Community property - halls and other facilities

Buildings which provide indoor spaces and facilities for the community to gather and meet for formal and informal programs and activities.

These facilities are generally located on Community Land and are managed within the provisions of a Community Land Management Plan to provide the community with spaces to undertake a variety of mostly indoor activities and community events.

Operational property

Operational Property is required by Council to oversee, manage and deliver Council's administrative and support service functions relating to direct service delivery.

The types of properties that directly provide community services include the Civic Centre (Council Chambers and Administration Offices), Environmental Service Center (ESC) and the library.

Commercial property

Commercial Property relates to the use and management of land or assets where the primary purpose is an investment for the generation of revenue. A key financial objective for commercial properties is to achieve self-sufficient operation and to supplement the funding of the operation, management, maintenance and capital requirements for Council's other services.

Properties of a commercial nature may also include a provision for community benefit, albeit this secondary function may not always apply. It is preferable, however, to maximise opportunities for community benefit wherever practical to maximise the overall value being realised.

Council will generally determine which of the above applies during the planning stage of new developments. Council may re-categorise the use of a property to meet service requirements as required. Where buildings accommodate multiple uses, the property will be designated according to the primary or majority use.

In addition to the four usage categories outlined above, Council property may from time to time become categorised as vacant. Where a property remains vacant for an extended period Council may declare property as surplus and therefore redundant to needs. Where a property is identified as redundant a decision will need to be made regarding the most appropriate action to take for the property, for example disposal, development or other action. This decision should take into consideration not only the financial implications but also the impacts to the current and future members of the community.

Managed Facilities and Short Term Venue Hire

A sub-category of Commercial Property are the council properties that are either managed on behalf of the council or hired by a third parties. They are seek commercial outcomes for community benefit. At the time of drafting this strategy, they are:

Managed Facilities: Mount Barker Caravan & Tourist Park, Mountain Pool, and Adelaide Hills Recreation Centre.

Short Term Venue Hire: Polo Clubrooms, Laratinga Pavilion, Brukunga Hall, Town Hall and Town Hall Den.

Land transactions

Land transactions relate to certain functions and activities that are required to effectively deliver and support the strategic objectives of Councils property portfolio and the overall management of its land holdings, including Community Land, Excluded Land, Crown Land and Roads.

In a practical sense this includes transactions that relate to the creation of easements and encroachments, undertaking road opening and/or closing processes, community land processes, land acquisitions and disposals, and any associated leasing, licensing and permits to facilitate an activity on Council land.

3.3 Core property functions

Council's property portfolio, it is divided into four core property functions which are shown in Figure 1 and summarised below.

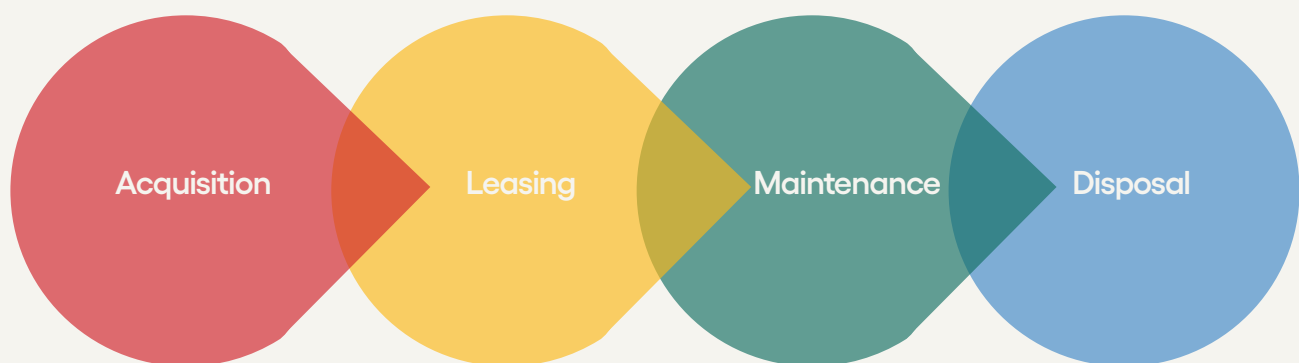


Figure 1 - Core Property Functions

Acquisition

The acquisition function relates to the identification of a property need to support or facilitate the delivery of a Council provided service and or community needs, the assessment of options, analysis of costs and benefits and approval to proceed with a property purchase.

Leasing and licensing

The Leasing and Licensing function relates to Council's role as Landlord (Lessor) in either leasing property/land to third parties to deliver Council services by not-for-profit or community associations or commercial leasing of property unrelated to delivery of services.

Leasing also refers to Council's role as a Lessee of facilities owned by others but used by Council to deliver services. The policy, process and procedures associated with Leasing and Licensing can be found in Councils Leasing and Licensing Policy (currently under development) which will be a companion document to the Property Strategy.

Maintenance

The Maintenance function refers to the activities associated with the routine, reactive and programmatic maintenance of property assets held, controlled or otherwise utilised by Council. The maintenance function is a critical set of activities carried out by Council across its entire property portfolio. The policy, process and procedures associated with maintenance of property are found in the Asset Management Policy which is a related document to the Property Strategy and managed by Councils Assets Team together with the Technical Services Team.

Disposal

The Disposal function relates to the assessment of property assets held by Council for which there is no ongoing service need or where the delivery approach has altered and the property is no longer required to supply the service to the community. As part of this function, Council will consider the assessment of disposal options, testing alternative uses of property, consideration of benefits of disposal including alternative uses of capital and the timing of sale to maximise returns. The policy, process and procedures associated with the Disposal of Council property are found in Councils Disposal of Council Land and Other Assets Policy, and is a companion document to this Property Strategy.



4. Objectives and Key Principles

Council has structured its Property Strategy by adopting the following elements:

Element	Description
Objective	What will be achieved (by adopting the Key Principles and performing the Strategic Actions)
Key Principles	How the Property Actions will be performed
Property Action Plan	What property management activities will be performed to meet the objectives

4.1 Objectives - what will be achieved?

Council has defined Strategic Property Objectives which represent the tangible outcomes that will be realised from its property management activities. The Objectives are expressed in such a manner that future outcomes can be measured and monitored over time to inform Council in relation to whether the Property Strategy or actions need to be adjusted.

Council will manage its property portfolio in accordance with the Key Principles and achieve the following Objectives:

- 4.1.1. ensure its property management practices are consistent with Council's strategic goals, as defined in its Community Plan 2044 and other strategic documents;
- 4.1.2. meet community needs and expectations by taking into consideration future trends and changes in community demographics by fostering a community stewardship approach;
- 4.1.3. regular and transparent communication and decision making that is consistent with Council endorsed strategies and policies, ensuring that fairness and good governance are at the heart of decisions and actions.
- 4.1.4. legal and statutory compliance to ensure properties are safe, secure and compliant with relevant legislation and other regulatory obligations including Council policies, procedures and guidelines, which are to a modern-day standard and 'fit for purpose' that benefit the community;
- 4.1.5. ensuring properties are maintained in accordance with best practice strategic asset management principles, with all buildings being maintained such that their condition ratings are either very good, good or fair as defined in Council's Strategic Asset Management Plan;
- 4.1.6. promote highest and best use principles for Community, Commercial and Operational Properties to maximise return and minimise related costs to Council and its community;
- 4.1.7. ensuring that Council's property portfolio is managed in a financially sustainable way that optimise the balance of both commercial and community outcomes specific to each property;
- 4.1.8. properties are managed to improve environmental sustainability and reduce greenhouse gas emissions, and optimise environmental outcomes and performance.

4.2 Key principles - how will we achieve?

Council will adopt the following Property Management Key Principles to ensure good governance, practice and outcomes. Strategic Actions have been identified which will be undertaken in accordance with relevant Key Principles, thereby ensuring Council meets its strategic Objectives for the property portfolio.

Key principle 1

Best practice property management which is regularly reviewed and improved.

4.2.1 Council will adopt property management practices that are based on good governance, ethical behaviour and can be transacted in a transparent and accountable manner.

4.2.2 Council will continuously monitor and review its property management performance to ensure Council has the necessary current and relevant information on which to base its decisions.

4.2.3 Council will consider short, medium and long-term implications of property projects when undertaking an acquisition, disposal, proposal for alternative use or refurbishment of Council property.

4.2.4 Council will make property decisions with consideration of the financial, social, environmental and economic performance of a property.

Key principle 2

Maximisation of the overall value of Council property, in terms of both community outcomes and commercial value.

4.2.5 Council will manage its property portfolio in a financially sustainable way, to optimise value, whether through delivering quality community outcomes, maximising investment yield or through a combination thereof.

4.2.6 If Council is unable to maximise investment yield, consider alternate uses for commercial property through other strategies such as redevelopment or disposal.

4.2.7 Council will maximise utilisation of property assets through the collocation of services in multi-use facilities wherever possible.

Key principle 3

Community and stakeholder needs are sought, and expectations are met.

4.2.8 Council's property portfolio will be managed and maintained to meet community needs and expectations now and into the future.

4.2.9 Council will consult with the community, tenants and other stakeholders on all major property projects and act in a responsive manner when dealing with feedback.

4.2.10 Council will partner with external organisations and agencies where appropriate to optimise community outcomes and provide highest and best use.

4.2.11 Council will implement Ecological Sustainability Development (ESD) principles when undertaking new developments or building upgrades.



5. Definitions

Following are the key definitions relating to Mount Barker District Council's Property Strategy:

Acquisition	An asset or object bought or obtained by Council.
Asset	Means any physical form of the building or item of infrastructure. Assets may be either owned by Council or used by Council, such as in the form of a lease or license.
Building	Means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code), whether temporary or permanent, moveable or immovable, as defined by the Planning, Development and Infrastructure Act 2016.
Community Land	All local government land (except roads) that is owned by a council or under a council's care, control and management is classified as community land unless: - the council resolves to exclude the land from classification as community land; and - the land is unaffected by provisions of a reservation, dedication, trust or other instrument that would prevent or restrict its alienation. S.193 Local Government Act 1999
Community Stewardship	Empowering community groups and volunteers to manage/maintain community property (buildings and land) in partnership with Council.
Crown Land	Crown Land as defined by the Crown Land Management Act 2009.
Disposal	The sale or transfer of an asset beyond Council.
Public Land	Land that is vested in or under Council's control.
Land	Includes community land, vacant land, excluded land, road reserves, any legal interest in land, and any other land-related assets, including all buildings (community and excluded) on Land.
Lease	An agreement via contract between the Lessor and Lessee that secures the use of an asset by the Lessee subject to conditions, such that the Lessee has exclusive possession of the asset and there is a fixed term of occupation with rent payable.
License	An agreement via contract between the Licensor and Licensee that secures the use of part of an asset by the Licensee for a fee subject to conditions and such that the Licensee does not have exclusive possession of the asset.
Remnant Land	Land that is generally not capable of independent development or obsolete use and include lanes, road closures, excess land from old subdivisions, verge extensions or footpath widening.
Road	Roads are defined by the Local Government Act 1999 as a public street or road, including an alley, laneway, walkway or other similar thoroughfare vested in the council.
Surplus Assets	Surplus assets are assets that are considered to be of no benefit to either the community through the delivery of services, or long-term strategic property portfolio or for any other Council related purposes.



Appendix 1

Mount Barker District Council Property Policy Register

Property Strategy - Policy Register	Status	
Disposal of Council Land and Other Assets Policy	Current	2024
Leasing and Licensing Policy	In development	2024-25
Venue Hire Guidelines	In development	2024-25
Strategic Property Review	Deliver	2024-29
Review of Disposal of Council Land and Other Assets Policy	Deliver	2027-28
Update Community Land Management Plans	Deliver	2025-29

Appendix 2

Applicable Legislation and Related Documents

Legislation, Strategy and Policy

Local Government Act 1999

Retail and Commercial Lease Act 1995

Real Property Act 1886

Property and Business (Sales and Conveyancing Act) 1994

Crown Land Management Act 2009

Roads (Opening and Closing) Act 1991

Planning, Development and Infrastructure Act 2016

Open Space Strategy

Strategic Asset Management Plan

Public Consultation Policy

Procurement Policy

Unsolicited Proposal Policy

Commercial Policy



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