COMMUNITY LAND MANAGEMENT PLAN

Plan 2 – Commercial Assets

Council maintains a register of all land under its care and control that defines ownership details, location, principal usage, user groups, maintenance requirements, capital replacement criteria and details of equipment or improvements located thereon. Components of this register are available for public perusal at Council's offices to meet the requirements of Section 207 of the Local Government Act 1999.

The land included in this plan has been taken from this register based on its principal usage and Community Land classification. In some cases the detail required by legislation to be included in this plan has not been readily available. Where appropriate any shortfall in the available information has been highlighted.

INDEX

Plan 2 – COMMERCIAL ASSETS 3
Identification Details 3
Ownership Details 3
Purpose for which land is held 3
Reason why management plan required 3
Objectives for management of the land 4
Policies and proposals for management of the land 4
Performance targets 5
Performance measures 5
Other 6
SCHEDULE 1 – Land detail 7
SCHEDULE 2 - Policies 9
Leasing / Licensing of Council Owned Facilities .... **Error! Bookmark not defined.**
Community Consultation 19
Contracts & Purchasing 23
Disposal of Assets 31
General Environmental Policy 32

Plan 2 – COMMERCIAL ASSETS

Identification Details

Council has land utilised for Commercial purposes as listed in Schedule 1.

Ownership Details

The ownership of all land utilised by Council for the provision of Commercial Assets is specified in Schedule 1.

Schedule 1 includes reservations, dedications and trusts listed on Certificates of Title held by, or under the care and control of Council. At this time a review of transfer documentation and historical Council minutes has only occurred as required to meet operational outcomes. It is intended to have completed a full search of historical documentation by 31 December 2005. Until this process is completed there may be reservations, dedications or trusts that restrict or affect the way Council deals with, and/or manages the land included herein beyond that shown.

Purpose for which land is held

Land included in this category is held to achieve a commercial return to Council as a result of rental income or development.

The included land will be assessed on an annual basis against the Community Land Classification criteria as defined by the Local Government Act 1999 to ascertain if there are higher or more appropriate uses available that may necessitate the revocation of the areas Community Land Classification.

Reason why management plan required

Land utilised for Commercial purposes is normally exempted from Community Land classification.

This plan has been developed to meet any circumstances that may occur where Community Land is utilised for the provision of these services.

Land utilised long term for Commercial purposes will, subject to the outcomes of the required revocation process; have its Community Land classification revoked.

Objectives for management of the land

To provide a financial return to Council.

Policies and proposals for management of the land

The land shall be managed in accordance with Council's Corporate Plan. The Key Result Areas under the Corporate Plan will define Council's actions when dealing with the land.

These are:

1. Provide Leadership
2. Work with our Partners
3. Empower our People
4. Improve our Services
5. Build our Community
6. Focus on Sustainability

When dealing with the land included in this plan, reference will be made to the current version of the following two public documents.

- Community Plan (the City's long term strategic directions), and
- Corporate Plan (a 5 year plan defining key priorities for Marion Council, in response to the Community Plan).

Reference will also be made to Schedule 2, which includes the contents of the following policies:

- Community Consultation Policy,
- Leases and Licences Policy,
- Contracts and Tenders Policy,
- Sale of Assets Policy, and
- General Environmental Policy.

Any alteration to the above policy documents included in Schedule 2 will only be incorporated and made relevant to the understanding and interpretation of this plan after the annual review of the contents contained herein. This includes a requirement for public consultation if there have been any alterations made.

For the purposes of this plan and to meet legislative requirements defined by the Local Government Act 1999, leases and licences will only be implemented for a maximum period of five years all-inclusive. Existing leases and licences where the initial purpose of the lease or licence has not been altered may be renegotiated on terms and conditions similar to those previously in place where, in the opinion of Council this is in the community's interest. All other leases and licences will be reviewed under the criteria included herein on conclusion of their principal term or any subsequent right of renewal.

This requirement will not apply for any lease or licence that is made for a period beyond five years subject to the lease or licence being the subject of community consultation in its own right. Any terms and conditions of a commercial nature, or that may allow commercial advantage to be achieved by a competitor included in a lease or licence allowed herein may be kept confidential at Council's discretion if the lease or licence is for commercial purposes as allowed under this plan.

Performance targets

To ensure all built assets or improvements are safe.

To ensure all built assets or improvements are utilised to an appropriate level.

To contribute to the achievement of Sustainable outcomes in the management of land through,

- Considering the integration of social / cultural, economic and environmental parameters,
- Considering a long term vision for the future management of land, and
- Ensuring consultation with the community in the management of land and where possible encourage the participation of the community in dealing with the land included herein.

To make a financial return to Council.

Performance measures

Regular inspection and maintenance of improvements.

Regular review of asset utilisation.

Agreements to have considered options for progressing Sustainable outcomes for the management of land in this category including,

- Demonstration of integrated planning for social / cultural, economic and environmental outcomes, and
- Demonstration of consultation process appropriate to agreement.

Other

The contents of this Community Land Management Plan have been prepared in accordance with Chapter 11 of the Local Government Act 1999 and are accurate to the best of Council's knowledge. Council recommends that any person seeking to use or rely upon this information should satisfy itself to the accuracy of the information provided.

SCHEDULE 1 – Land detail

Certificate of Title	Common Name of Land	Location Street	Location Suburb	Owner	Requirements of owner if not City of Marion	Reservation	Trust, Dedication or Restriction on the land (if known)	Leases/Licences/ Permits and/or Management Agreements (If currently in place or required)	If currently in place Lessee or Licensee's

Legislation requires this Management Plan to have reference to, or be developed in conjunction with existing Council policies, procedures and strategies. To meet this requirement the contents of all relevant policies that are not subject to community consultation in there own right have been directly included in this document.

Direct reference has been made within this document to Council's Corporate and Community Plans. The contents of these documents are not included herein as they are subject to community consultation in there own right. Any variation to these documents will affect this Management Plan.

Council's Development Plan is not referenced or included herein as it has precedence under legislation over the outcomes of this document.

SCHEDULE 2 - Policies

Page 12 – 20 **Leasing / Licensing of Council Owned Facilities**

Page 21– 24 **Community Consultation Policy**

Page 25 – 32 **Contracts & Purchasing Policy**

Page 33 – **Disposal of Assets Policy**

Page 34 – 35 **General Environmental Policy**

City of Marion - Policy	Policy Number	
	Version Number	
	Authorisation Date	
	Review Date	24/12/03
	Author	Stewart Galliford
	Authorised By	

Leasing / Licensing of Council Owned Facilities

Policy Statement

The City of Marion may lease or licence Council owned or managed land (including any facilities on such land) for the achievement of Council's strategic plans based on community priorities.

To assist in our objective of 'Building our Community' the City of Marion will make land and building facilities available to groups or organisations on a fair and equitable basis to meet community needs. High-level utilisation of building facilities is therefore, actively encouraged.

To facilitate these objectives, the City of Marion will seek to ensure that a lease or licence will be offered to any group or organisation using land and building facilities owned or managed by the City of Marion.

Definitions

Community Buildings - Buildings primarily available to facilitate community activities in line with Council's corporate strategies and not designed to generate significant revenue or profit. These buildings are on land that has not been excluded from the Community Land classification.

Community Clubs or Organisations – Organisations that are incorporated for the benefit of the community and any profit is distributed back into the facility, and does not restrict its services to its members and provides one or more of the following services;

- the provision of aged accommodation, and
- the provision of food and clothing for disadvantaged persons, and
- the provision of emergency services, and
- the provision of education for children under the age of 16 years, and
- the provision of employment support for persons with mental health disabilities, intellectual or physical disabilities, and
- the provision of legal services for disadvantaged persons, and
- the provision of sporting, recreational or general community services, and
- does not include a shop for the purpose of selling goods or services.

Gaming Machines – Refers to any gaming or poker machine that is required to be registered under the Gaming Machines Act 1992.

General Maintenance –All other maintenance that is not covered by 'Structural Maintenance' with the exception of structural maintenance or repair necessitated by the use or change of use by the Lessee or Licensee or any maintenance caused by the wilful act or omission of the Lessee or Licensee.

Hourly Licence – These arrangements shall be used where the City of Marion has direct management of the property. Usage is calculated on a per hour basis.

Incorporated Body – Any Committee or Organisation that is incorporated under the Associations Incorporation Act 1985.

Lease – Such agreements shall be used where the occupier has full and exclusive use of the premises. Committees that have effective total control over facilities will be given the opportunity of entering into a lease.

Licence – Such arrangements shall be used where the occupier does not have full and exclusive use of the premises. Clubs that use facilities based on hourly occupations are good examples of such an arrangement.

Lease / Licence Fee for Community Clubs or Organisations - This is the rental or fee payable for any land (including facilities or structures) occupied under a lease or licence. It will be determined as a two step process as follows:

(Rate Equivalent * Social Discount) = Initial Fee
(Initial Fee * Open Space Discount) = Licence Fee

Lease / Licence Fee for Commercial Organisations – This is the rental payable and shall be determined by a rental valuation undertaken based on the proposed use of the premises.

Maintenance – means that buildings are kept and maintained:

- in good repair and condition;
- conform to relevant legislation and codes;
- free of the evidence of graffiti or other acts of vandalism;
- by preventative maintenance approaches.

Non-Community Buildings – Land and buildings that are primarily available for tenancies or hire that are able to have activities that will generate a profit or revenue that is well in excess of the cost to Council to provide and maintain the facility. These buildings are on land that has been excluded from Community Land classification.

Non-Community Organisations – Organisations that are specifically a 'business' and are in business for the purpose of making a profit or which are so constituted that the assets may be distributed amongst the members of the

organisation. Such organisations are likely to provide services outside the City of Marion.

Open Space – Any developed oval or adjacent playing area owned or managed by the City of Marion to which public access has not been restricted by locked fences or gates or use and is large enough to allow the public to undertake general recreational pursuits.

Open Space Discount – Community clubs or organisations will be granted a discount on the Rate Equivalent payable if the club or organisation provides evidence that it is able to provide free and full access to the general public for open space within the leased or licence d area.

Rate Equivalent –This is derived by applying the 'rate in the dollar' as adopted by Council to the capital value used for rating purposes. The Rate Equivalent will not be defined as a 'rate' but will be used to calculate the 'Lease / Licence Fee' for Community Clubs or Organisations.

Social Discount – Community clubs or organisations will be granted a discount on the Rate Equivalent payable if the club, or organisation provides evidence that it's membership costs include a discount for socially disadvantaged persons or it actively promotes youth activities or involvement.

Structural Maintenance - Includes all maintenance items relating to footings, floor (not including coverings), walls (not including any applied finishes), roof members and cladding and provision of services to the external walls (does not including fittings).

Tennis Courts – Includes all fences, backstops, court surfaces, lighting, nets, posts, drains or shelters.

1. Principles

1.1 Align community facilities to meet community needs.
(The facilities are leased or licensed by Committees made up of local Community Members who are in touch with the needs of the local community).

1.2 Maximise community benefit by diversity of opportunities and promoting and encouraging community access to facilities.
(The lease or licence allows the Club or Committee to seek varied uses that suit the facility and the community).

1.3 Encourage maximum use of all Council facilities by the community.
(The lease or licence encourages maximum use of the facility to increase security and revenue opportunities).

1.4 Provide a stable and sustainable environment for Clubs to operate.
(The lease or licence requires that the Club or Committee provide financial and management details to the City of Marion for perusal to ensure that sound financial practices are being adhered to).

1.5 Ensure facilities are available in good condition for current and future generations.
(The lease or licence clearly sets out the maintenance responsibilities of the City of Marion and Clubs or Committees).

1.6 Where possible, practicable and feasible, Council will encourage and promote best practice management by community groups operating Council facilities.
(The lease or licence clearly requires Clubs or Committees to manage the facilities in strict accordance with their lease or license).

1.7 Maintenance and general maintenance requirements are the responsibility of the lessee or licensee.

1.8 Council will undertake structural maintenance.

2. Lease or Licence

Council will not consider leasing or licensing any Council owned or managed facility to a club or organisation until the following criteria have been satisfied;

- the club or organisation is an incorporated body, and
- the club or organisation has a structured committee that holds regular meetings and represents the users and local community, and
- the club or organisation has prepared a business and financial plan for a period of not less than 3 years from the present date, and
- the club or organisation has a constitution recognised by Council, and
- the community club or organisation and any affiliated clubs or organisations combined shall have not less than 20 members. (Where a community club or organisation has less than 20 registered financial members consideration will be given to granting an hourly licence).

3. Calculation of Lease / Licence Fee

The Lease / Licence Fee payable for a lease or licence will be determined as follows:

3. (a) Community Facilities with a Lease or Licence

(i) Rate Equivalent
The 'Rate Equivalent' shall be used to determine the Lease / Licence Fee.

The Initial Fee is calculated by multiplying the Rate Equivalent by the Social Discount percentage.
The Licence Fee is then calculated by multiplying the Initial Fee by the Open Space Discount.

(ii) Social Discount
A 50% discount will be granted if the club or organisation has a minimum of 20 registered members, or 25% of registered members are under the age of 18 years of age, or the club or organisation provides a discount on normal membership

fees for the socially disadvantaged. The discount is dependent upon the club or organisation providing evidence of a socially disadvantaged membership and the club or organisation offering such groups / or individuals a reasonable discount to the normal membership fee.

No discount will be allowed for clubs or organisations deemed by Council to be of a 'non-community' nature.

(iii) Open Space Discount
If a Lessee or Licensee provides access to the community to use the open space of the facility and provides evidence of this then an 80% discount on the initial fee will be offered by the City of Marion.

No discount will be allowed for organisations deemed by Council to be of a 'non-community' nature.

(iv) Gaming Machines
Where less than 12 Gaming Machines are installed by the Club or Organisation the rebate for Social Discount will be reduced from 50% to 25%.

Where 12 or more Gaming Machines are installed by the Club or Organisation the rebate for Social Discount will be reduced from 50% to 0%.

(v) Minimum Fee
A minimum fee of $250 (excluding GST) per annum shall be set subject to:

- Commencing on the 1 July 2005 and then on 1 July in each consecutive year the minimum fee will be reviewed and increased by the variation expressed as a percentage in the consumer price index for Adelaide (all groups) over the twelve months preceding the date upon which the fee review is being conducted.

(vi) Term of Agreement
The term of the agreement shall not be greater than a period of five (5) years unless the following can be demonstrated, documented and provided to Council:

- A longer term is required to secure a loan or grant that is required to provide capital funding to upgrade the facility and the club or organisation is able to provide Council with the following;

    - evidence that its activities have benefited the Community, and
    - evidence that future activities will benefit the Community, and
    - evidence that it has been incorporated and held regular meetings, and
    - evidence that it has maintained a secure financial position for not less than 3 years, and
    - the Lessee or Licencee has the capacity to meet future lease/licence and maintenance responsibilities.

Note

1. Where the term of the lease or licence is to be less than five years, and Section 20B of the Retail and Commercial Leases Act 1995 applies, the Lessee or Licencee shall be required to provide Council with a certified exclusionary certificate duly signed by the Lessee's or Licensee's solicitor waiving the minimum statutory term of five years in the form required by the Act. This certificate must be provided to Council prior to the Lessee or Licencee taking possession of the Premises.

2. Any lease or licence to be granted by Council shall be subject to Council carrying out and fulfilling all public consultation requirements in accordance with the provisions of the Local Government Act 1999 unless;

   - the lease or licence is authorised in an approved management plan for the land and the term is to be five years or less, and
   - the lease or licence is to be granted to a government body or instrumentality of the Crown, and
   - the land has been excluded or revoked from Community Land Classification.

3 (b) Hourly Licence Fees

(i) Hourly Fee

The fee for all hourly licences shall be calculated as follows: -

Budgeted Operating Cost PA = Cost / hour
Available hours/Week

Available Hours Per Week shall be defined as 75 hours

Monday – Friday	60 hours
Saturday	9 hours
Sunday	8 hours

Fee will then be calculated by multiplying Cost / hour by number of hours used. All fees shall be charged on a monthly basis.

(ii) Social Discount

A 50% discount will be granted if the club or organisation has a minimum of 20 registered members, or 25% of registered members are under the age of 18 years of age, or the club or organisation provides a discount on normal membership fees for the socially disadvantaged. The discount is dependent upon the club or organisation providing evidence of a socially disadvantaged membership and the club or organisation offering such groups / or individuals a reasonable discount to the normal membership fee.

No discount will be allowed for clubs or organisations deemed by Council to be of a 'non-community' nature.

(iii) Open Space Discount

No Open Space Discount will be allowed for leases or licenses of 'non-community' buildings.

(iv) Term of Agreement
The term of the agreement shall not be greater than a period of twelve (12) months.

3 (c) Non-community Facilities

(i) Licence Fee or Rental
The Lease / Licence Fee of the subject premises shall be the current commercial rental valuation as determined by a Certified Practising Valuer appointed by Council.

(ii) Social Discount
No Social Discount will be allowed for leases or licences of 'non-community' buildings.

(iii) Open Space Discount
No Open Space Discount will be allowed for leases or licences of 'non-community' buildings.

(iv) Term of Agreement
The term of the agreement shall not be greater than a period of five (5) years.

Note

1. Where the term of the lease or licence is to be less than five years, and Section 20B of the Retail and Commercial Leases Act 1995 applies, the Lessee or Licensee shall be required to provide Council with a certified exclusionary certificate duly signed by the Lessee's or Licensee's solicitor waiving the minimum statutory term of five years in the form required by this Act. This certificate must be provided to Council prior to the Lessee or Licensee taking possession of the Premises.

2. Any lease or licence to be granted by Council shall be subject to Council carrying out and fulfilling all public consultation requirements in accordance with the provisions of the Local Government Act 1999 unless;

    - the lease or licence is authorised in an approved management plan for the land and the term is to be five years or less,
    - the lease or licence is to be granted to a government body or instrumentality of the Crown, and
    - the land has been excluded or revoked from Community Land Classification.

4. Hardship

Where the Lessee or Licensee is able to produce evidence that the fee will cause undue hardship then the Lessee or Licensee can make an application to the City of Marion seeking deferment of payment.

The City of Marion is under no obligation to accept such a request and will make its decision based on the financial position of the Lessee or Licensee at the time of making the application.

5. Payment of Lease / Licence Fee

The timing of payment of rentals or fees will be negotiated to take into account the seasonal nature of income received by the Lessee or Licensee.

6. Water Usage

(i) Buildings Only
Where the lease or licence refers only to a building and there is no open space attached to the leased or licensed area then the Lessee/Licensee shall be responsible for the payment of all water and sewer charges levied against the leased area.

(ii) Buildings and Open Space
Where the facility is separately metered and no bore has been installed then the Lessee or Licensee shall be responsible for full payment of all SA Water charges relating to the building and 20% of water used for the maintenance or irrigation of any open space.

Where the facility is separately metered and a bore has been installed then the Lessee or Licencee shall be responsible for full payment of all SA Water charges relating to the building and all water used for the maintenance or irrigation of any open space.

Where Council is unable to provide a separate water meter within the leased or licensed area and no open space area exists then the Lessee or Licensee shall reimburse Council $300 per annum for water and all sewer costs.

Where Council is unable to provide a separate water meter for the lease or licensed area and an open space area exists then the Lessee or Licensee shall reimburse Council $250 per annum for water, all sewer costs and 20% of the metered water usage. In this scenario if a bore exists then the Lessee or Licensee shall reimburse the City of Marion all water costs.

All charges shall be reviewed on 1 July of each year in accordance with any increases in the amounts charged by SA Water.

When considered appropriate a cap shall be placed on the amount contributed by Council for water consumed to ensure that water conservation techniques are

practiced. The amount of this cap shall be determined at the time of negotiating a lease or licence by Council.

7. Maintenance of Tennis Courts

The clubs or organisations shall be responsible for the full maintenance of any tennis courts and associated fencing and equipment, including upgrading or replacement.

8. Liquor/Gaming Machines

If the Lessee or Licensee intends to hold a liquor licence or gaming machine licence under the Liquor Licensing Act 1997 or the Gaming Machines Act 1992, the Lessee or Licensee must first obtain the written consent of Council. Council shall give due consideration to any such request, but shall not be obligated to give such consent. If consent is given, Council may impose such conditions as it deems reasonable relating to the use of the Premises and the supply or provision of liquor and/or gaming machines.

9. Miscellaneous

Where the City of Marion supplies miscellaneous services that can be utilised by the club or organisation, such as rubbish removal, then the club or organisation shall reimburse the City of Marion 50% of the cost associated with this service.

The City of Marion shall be responsible for the total maintenance of public toilets sited on Community Land that is subject to a lease or licence.

10. Transitional Arrangements

The provisions of this Policy shall not apply to any existing leases or licences to the extent that the provisions contained herein are not in accordance with the original agreement. When the renewal of that lease or licence is negotiated the provisions of this Policy will be applied fully.

Where no formal arrangement exists then the provisions of this Policy will be applied to negotiate a formal lease or licence at the earliest opportunity.

References

- Local Government Act 1999
- Retail and Commercial Leases Act 1995
- Associations Incorporations Act 1985
- Gaming Machines Act 1992

City of Marion - Policy	Policy Number	**GP-2**
	Version Number	3
	Authorisation Date	17/12/2002
	Review Date	30/12/2003
	Author	Kristin Stewart
	Authorised By	Chris Bishop

Community Consultation

POLICY STATEMENT:

The City of Marion, as part of its Vision aspires to be:

- Recognised for its excellence in Governance
- The leader in delivery of the Community Vision

Council recognises the key role that community consultation can play in achieving this vision.

The City of Marion values effective consultation in developing a positive relationship with its community; recognising that community input can assist in decision-making processes. Council also recognises the right of the community to be informed and influence decisions that affect their lives.

The objective of this policy is to ensure that the City of Marion effectively:

- consults with its community
- promotes community involvement
- makes decisions which are open, transparent and responsive to the needs and aspirations of the community
- fulfils the legislative requirements as set out in the "Public Consultation Requirements" in the *Local Government Act 1999.*

Council seeks to take account of the views, needs, issues and aspirations expressed by the community and stakeholders, and to balance those with other influences such as budgetary constraints, to make informed decisions.

While acknowledging the minimum standards of the Act, Marion Council is committed to consulting with the community in more instances and in ways that exceed the minimum requirements of the Act.

It is important to note that consultation does not mean shared decision making by Council with the community. Council is the body ultimately charged with decision-making. Consultation however, aims to ensure that Council is aware of the views of stakeholders and can therefore, make decisions based on this information.

DEFINITIONS:

Communication is the provision of information by Council to stakeholders in a timely and accessible manner. Communication includes but is

not limited to advertisements, articles in local or Council newspapers, letters, brochures, phone calls, signage and displays.

Consultation is the process of seeking informed responses from affected parties prior to Council making a decision. This process should allow the community to respond and express concerns, issues, ideas and suggestions which can be taken into consideration before a final Council decision is made. Consultation includes but is not limited to discussion, written submissions, surveys, group meetings, workshops and formal advisory committees.

PRINCIPLES:

1. Roles and Responsibilities

The role of Elected Members is one of policy makers, while the Chief Executive Officer and officers are responsible for the implementation of the policy.

The Chief Executive Officer is responsible for managing the process of the consultation and the establishment of guidelines and procedures.

2. Legislative Provisions

Section 50 the Local Government Act 1999 (SA) provides that Council prepare and adopt a public consultation policy. The policy must set out steps that Council will follow in cases where the Act requires Council to follow its public consultation policy.

Section 50 (4) requires that in adopting, substituting or amending such a policy Council must consult with its community by;

- the publication of a notice describing the matter under consideration in a newspaper circulating in the area of Council and inviting interested persons to make submissions within a period stated in the notice, being at least 30 days, and
- consideration by Council of any submissions made in response to the invitation.

In all other cases, the Act specifies the minimum requirements of such a consultation policy are;

- the publication of a notice describing the matter under consideration in a newspaper circulating in the area of Council and inviting interested persons to make submissions within a period stated in the notice, being at least 21 days, and
- consideration by Council of any submissions made in response to the invitation.

The Act further provides that Council's must consult whenever it considers the following: -

- Determining the manner, places and times of its principal office (Section 45)
- Altering the Code of Practice relating to the principles, policies, procedures and policies that Council will apply to Public Access to

Council and Committee Meetings and their minutes and release of documents (Section 92)
- Adopting Strategic Management Plans (Section 122)
- Excluding land from classification as community land (Section 193)
- Revoking the classification as community land (Section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (Section 202)
- Alienating roads (Section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors of nearby residents of advertisers (Section 232)

Details of the instances where the Public Consultation Policy must be used can be found in Appendix 1.

In addition, other forms of consultation are required in respect to:
- Representation Reviews (Section 12 (5))
- Status of Council or Name Change (Section 13)
- Commercial Activities – Prudential Arrangements (Section 48)
- Amending the basis of rating, basis of valuation of land for rating or introduction of a new rate (Section 151)
- Changes to the basis of differential rating (Section 156)
- Making Bylaws (Section 249)
- Power to make Orders (Section 259)

Details of the specific consultation required can be found in Appendix 2.

3. Procedures

The specific details of any proposal to consult with stakeholders and affected parties will depend on the particular issue or initiative.

At a minimum Council will undertake the following steps for those areas required by the Act and for projects where consultation is deemed appropriate by Council;
- Place a notice in the local newspapers inviting written submissions within a period stated in the notice, being at least 21 days.
- Where appropriate, ensure relevant information is made available for inspection or collection at Council Offices and Libraries.
- Prepare a report for Council to inform it of submissions from the public
- Where appropriate, Council may hear representations on the topic.
- Council makes a decision
- Provide information on the outcomes to all who participated in the consultation process.

During this consultation period, Council may use a variety of other consultation mechanisms as required and / or appropriate.

4. Review and Evaluation

The City of Marion will review and evaluate the effectiveness of the Public Consultation Policy on an annual basis.

5. Availability of the Public Consultation Policy

The Act requires that a copy of the Public Consultation Policy is available for inspection without charge at the following locations during ordinary business hours:

- City of Marion Administration Centre, 245 Sturt Road, Sturt
- Park Holme Library, Duncan Avenue Park Holme
- Cultural Centre Library, 279 Diagonal Road, Oaklands Park
- Hallett Cove Library, Zwerner Drive, Hallett Cove

While Council has the right under the Act to charge a fee for a copy of the Public Consultation Policy, a copy of this Policy document may be obtained from the aforementioned outlets free of charge.

REFERENCES:

Corporate Plan:
KRA 1: Provide Leadership and KRA 5: Build our Community

Procedure References:

Other Related References:
Local Government Act (Sections 50, 45, 92, 122, 151, 156, 193, 194, 197, 198, 202, 223, 232, 12(5), 13, 48, 249, 259)

Previous Versions:
In December 1999, Council adopted an interim consultation policy to be used as prescribed in the new Local Government Act 1999.

City of Marion - Policy	Policy Number	**GP-3**
	Version Number	1.0
	Authorisation Date	27/06/2000
	Review Date	29/11/2001
	Author	Steve Connelly
	Authorised By	Terry Bruun

Contracts & Purchasing

POLICY STATEMENT:
In procuring goods and services, the City of Marion will seek the provisions of timely and competitive goods and services which are of quality and fit for their intended purpose and are cost effective and which specifically support the efficient delivery of services by the organisation.

In procuring goods and services (though either contract or purchasing Council will follow the principles of:

- Best Value (Value for Money)
- Open and Effective Competition
- Ethics and fair dealing
- Accountability and Transparency
- Enhancing the Capabilities of Local Business and Industry
- Environmental Procurement and Environmental Sustainability

In some instances Council will look at

- Contracting out of Services
- Relevant Competitive Tendering Processes

In respect to the unique role of Local Government and the public sector and the impact of its purchasing, the following preferences will be incorporated into Council's decision making purchasing processes:

- Competitive goods and services which are environmentally sustainable
- Competitive goods and equipment, which are manufactured within Australia with preference for competitive local area suppliers and contractors within the general Marion Region.

Where a suitable local area supplier is not available then preference may be given to Adelaide based, South Australian based and then Australian based suppliers of goods and services, in that order.

Council's purchasing documentation and activities shall ensure compliance by Council and any suppliers / contractors / sub-contractors, with all relevant legislation and statutory requirements.

DEFINITIONS:
Nil

PRINCIPLES:

1. Best Value (Value for Money)

Council will pursue a policy of best value (value for money) for all purchases and contracts for goods and services. Best value is the essential test against which purchasing and contracts activities will be assessed. Best value is not an attribute or criterion in itself but a basis for comparing alternative solutions.

Price alone is often not a reliable indicator of best value. Best value means the best available outcome when all relevant costs and benefits over the total procurement cycle are considered. Best value will not necessarily be obtained by accepting the lowest priced offer that meets mandatory requirements.

The purchasing function itself must also provide best value, and will be carried out in a cost effective way. This will be achieved by:

- Avoiding any unnecessary costs and delays for employees, contractors or suppliers.
- Monitoring supply and contractual arrangements and reconsidering them if they cease to offer the expected benefits.
- Ensuring continuous improvement in the efficiency of internal processes and systems.

Providing it adds value to Council's Purchasing program alternative purchases may be made against approved contracts, set up by outside organisations, e.g., State and Federal Governments, for which local government is an authorised user.

Another option will be to enter into joint resource sharing procurement projects or contracting arrangements with other Councils e.g., the G6 Group of Councils or part thereof. This approach provides the opportunity to increase volumes and reduce direct purchasing costs. However, care will be taken to ensure that these increased volumes and the period of the contract, do not reduce or inhibit competition for future Council business.

Best Value Test

Whilst best value should be assessed as objectively as practicable, it is not possible or desirable to eliminate subjective judgment. Deciding which alternative offers best value in particular circumstances will often depend on professional judgments about a range of criteria relating to financial, performance and technical issues, assessment of risk and valuation of benefits.

The determination of best value can include, but is not limited to:

- Evaluating what suppliers / contractors offer in a comprehensive and fully professional manner by taking into account costs and benefits on a whole of life basis.

- Establishing or verifying the competence, viability and capability of the prospective suppliers / contractors to perform the contract.

- Confirming that what suppliers / contractors offer complies with requirements including fitness for purpose and time frames, and reflects an understanding of the needs of the end user as well as the terms and conditions of Councils tender documentation.

- Ensuring avoidance of unnecessary costs and reduction of other costs of all kinds wherever possible, for example, by clarification (pre tender recommendation) and negotiation (pre award).

- Ensuring that any legal agreements entered into are appropriate and protect Council's interests.

- Ensuring that potential contractors can meet Council's occupational health and safety and environmental standards and requirements applicable to each particular tender, as well as all relevant legislative and statutory requirements.

For the purposes of scoring tenderer's offers as part of the evaluation process, the actual criteria for best value will vary on a case by case basis as will the weightings to be applied to that criteria. The correct selection and weighting of criteria will facilitate the selection of tenderers offering best value to Council.

In our purchasing and contracts, we will ensure that:

- There is reasonable access for all suitable and competitive suppliers and contractors to Council business.

- Where market circumstances limit competition, employees engaged in procurement activities recognise this and use procurement methods that take account of it.

- Adequate, identical and timely information is provided to all suppliers to enable them to bid.

- Bias and favoritism are eliminated. This principle also applies to situations where one supplier or contractor has held particular Council business for a long period of time. This familiarity should not prevent any other person or organization competing on a level playing field for future Council business.

In regard to supporting local businesses, Council will ensure that:

- Where possible, opportunity is provided to local area suppliers from the general Marion region.

- Australian made products are purchased wherever possible and opportunities are provided for competitive products and services that offer environmentally sustainable solutions to be offered.

- The costs of bidding for Marion business opportunities do not deter competent suppliers and contractors.

- Costs incurred in promoting competition are at least commensurate with the benefits received.

2. Open and Effective Competition

Open and effective competition is a central operating principle for all Council purchasing and contract activity. Any suitably qualified and competent person or organisation that wishes to do business with the City of Marion should be offered equal opportunity to do so. Council will provide:

- A framework of procurement policies, practices and procedures that are transparent, i.e.; they must be readily accessible to all interested parties.

- Openness in the procurement process.

- Encouragement of effective competition through procurement methods suited to market circumstances.

Council's aim in procurement is within reason, to maximise competition for Council business. This is done for two primary reasons. They are:

- To reduce purchasing costs and increase leverage, and
- To provide any competitive and competent person, company or organisation an opportunity to bid for Council business.

Council will publicly advertise all tenders with a value over $50,000. Such tenders will be advertised in such a way as to enable potential tenderers to

respond appropriately. Tender documents distributed will include (but not be limited to), the following information:

- Evaluation criteria
- Terms and conditions of the tender
- Quality, OH&S and environmental requirements
- Council's Code of Tendering

All tenderers will be given access to identical information throughout the tender process. On request, Council will provide a post tender briefing to unsuccessful tenderers.

For all tenders under the $50,000 threshold, Council will seek a minimum number of quotations to ensure that competition and the benefits to Council are maximised.

A list of all current tenders with a value over $10,000 will be available in the foyer of Council's Administration building, for viewing by any interested party.

Council will treat all tenders and quotations as 'Commercial in Confidence', regardless of the time elapsed since receipt of the tender.

3. Accountability and Transparency

The Chief Executive Officer of Council is accountable to the elected members of Council for the overall management of procurement activities, ensuring that purchasing is contained within approved budgets and for ensuring that Council purchasing policies (including purchasing delegations) are adhered to by all employees.

Apart from tenderers confidential information (including pricing details), all processes, practices and procedures involved in Council purchasing will be readily accessible to any person, company or organisation, wishing to have access to them with good reason.

Council will ensure that tender documents are consistent in their approach and content and are easily read and understood.

Fair dealing and a committed willingness to keep Council's purchasing transparent are key principles that Council will follow.

Council employees will behave with impartiality, openness and integrity at all times with all suppliers and contractors.

Audits will be carried out on Council's procurement processes and improvements arising from such audits will be implemented in a timely manner.

4. Enhancing the Capabilities of Local Business and Industry

The objective of enhancing the capabilities of Local Business and Industry will be attained by using the purchasing power of the City of Marion or, other major Councils within the G6 Group of Councils, or other regional Councils as appropriate, on joint venture contracts, to enhance the opportunity for Marion and other Adelaide based businesses to be considered for Council business, on the basis of capability, merit of their offer and value for money. The weighting of these components will vary on a case by case basis, as evaluation criteria is determined for each requirement.

Clearly, where service and support together with the timeliness and cost of that support are critical issues e.g., computer hardware and software, then local business will rate highly in that criteria. Where a local business is a major employer of people within the region e.g., motor vehicle manufacture, then a suitable and fair weighting preference is to be applied to local business tenders.

In general terms, participation of local business in tenders for Council business will be achieved by:

- Actively seeking out potential local supplies, suppliers and contractors.
- Taking account of local industrial and commercial capabilities in the development of plans and specifications for future projects and purchases.
- Conducting market research, prior to planning and initiating any major tender. This should include the impact on local business and future competition, should local business not be awarded any particular major contract.
- Eliminating where practicable, any practices or requirements which may favour overseas and interstate suppliers or contractors over local suppliers and contractors.
- Where relevant, encouraging potential prime contractors to give local sub contractors every opportunity, as a joint venture partner or sub contractor, to participate in major projects or contracts.
- Ensuring, where possible, that specifications and purchase descriptions are not structured so as to potentially exclude local suppliers and contractors from being the prime supplier / contractor.

It will not always be possible or desirable to adopt processes that will provide sufficient encouragement or flexibility to ensure that local business will remain competitive with overseas or interstate suppliers and contractors. As required, Council will meet with representatives of local industry and supplier bodies, with a view to working together on long term strategic goals, which are

designed to enhance the capabilities and competitiveness of local business and industry, for Council and other major business projects in the long term.

5. Environmental Procurement and Environmental Sustainability and Protection

The objectives of environmental procurement and sustaining the environment are consistent with Council's commitment to sustainable environmental development, by promoting purchasing practices which conserve resources, save energy, minimise waste, protect the environment and human health and, maintain environmental safety and quality.

Council's objectives are:

- To maximise the purchase of competitive, environmentally sensitive goods and services.
- To develop and provide suitable tender and contract documentation, which will place all contractors, consultants and suppliers under a legally binding obligation to offer and supply solutions which provide both environmentally sustainable solutions and services which protect the environment.
- To conduct an environmental risk assessment for each contract requirement and effectively to monitor resulting contractors' environmental performance in order to minimise the risk should any contractor commit a breach of environmental legislation or contract conditions.
- To foster the development by local and South Australian based firms of products and processes of low environmental impact.
- To provide leadership to business, industry and the community in promoting the use of environmentally sensitive goods and services.

6. Contracting out of Services and Relevant Competitive Tendering Processes

From time to time Council shall consider the need to contract out services being provided by Council to the Community. Where the tendering process is likely to involve both internal and external bidders, then the Chief Executive Officer will ensure that:

- The processes involved comply with any Enterprise Bargaining Agreements in place within Council.
- That processes involved comply with all relevant Council policies.

- Where the outsourcing of business could impact on permanent Council employees' positions, appropriate consultative processes are put in place with both employees involved and the appropriate unions, prior to any tender process commencing.

- That both external and internal tenderers are provided with a pre tender briefing to explain the processes to be followed and guarantees given to both sides that the evaluation and resulting decision to award a contract will be applied even handedly and ethically. This will require that a clear separation of employees involved in the evaluation of tenders and employees involved in the internal bid occurs.

- That evaluation criterion provides equal opportunity to both internal and external bidders. In this context, the tender documents will clearly detail the methods of calculating the costs of each tender. This may include, but not be limited to, the costs of relocating permanent staff that may be made redundant by the tendering process or, requiring the successful tenderer to take on Council staff for an agreed period of time to assist in the performance of the contract.

- Any decision to award a contract to an external contractor, from a tender involving both internal and external tenderers, will not diminish the services being provided to residents and the community. There should also be demonstrable and permanent flow-on efficiencies and benefits to Council and the Community, from the outsourcing decision.

7. Accessibility of this Policy

A copy of this policy is to be available for viewing by any member of the public, at Council's Administration Centre 245 Sturt Road Sturt, 5047. Where any person, body or organisation requests to receive a copy of this policy, it will be provided within a reasonable period, upon prepayment of a stipulated copying fee.

REFERENCES:

Corporate Plan:
KRA – Organisational Development
– Environmental Sustainability

Procedure References:
PRO - Contracts and Purchasing Principles

Other Related References:
SA Local Government Act 1999 (Section 49)
Australian Standard AS4120 – Code of Tendering 1994
SA Occupational Health and Safety Act 1986

Previous Versions:
3200 – Purchasing Policy (1992)

City of Marion - Policy	Policy Number	**GP-5**
	Version Number	1.0
	Authorisation Date	27/06/2000
	Review Date	29/11/2001
	Author	Tony Francis
	Authorised By	Terry Bruun

Disposal of Assets

POLICY STATEMENT:
The identification and disposal of surplus material will demonstrate accountability and responsibility of Council to ratepayers, be fair and equitable to all parties involved and enable all processes to be monitored and recorded

Identification and disposal of Council items and material will be regulated and documented and must include one of the following methods;

- Sale by Public Auction
- Sale by Public Tender
- Donation to approved charitable or community based organisation
- Destruction and/or disposal to appropriate landfill

DEFINITIONS:
Surplus Material excess material, stocks in hand, obsolete or obsolescent plant and equipment, plant and equipment no longer required, plant and equipment no longer operational or beyond economic repair, material, plant and equipment recovered during operations, other items surplus to Council requirements.

PRINCIPLES:

REFERENCES:

Corporate Plan:
KRA – Organisational Development

Procedure References:
Nil

Other Related References:
Local Government Act 1999 - Section 49
GP-04 – Sale or Disposal of Land

Previous Versions:
Nil

Manager's Comments: Approved by Council

City of Marion - Policy	Policy Number	**GP-1**
	Version Number	1.0
	Authorisation Date	25/09/2001
	Review Date	18/02/2004
	Author	Rowena McLean
	Authorised By	Chris Bishop

General Environmental Policy

POLICY STATEMENT:
The Corporation of the **City of Marion** provides a range of physical, social and developmental services to the local community, visitors to the City and external stakeholders. To ensure effective environmental performance in all activities, the **City of Marion** is committed to the principles of **Ecological Sustainable Development** and aims to integrate environmental considerations with economic and social factors. This policy provides the framework for setting and reviewing environmental objectives and targets.

DEFINITIONS:

PRINCIPLES:

I. To review existing and new Council policies and strategies in relation to the principles of ESD as defined by Council's Local Agenda 21 program.

II. Preventing pollution and encourage environmental responsibility.

III. Adopting an Environmental Management System approach that integrates the principles of continual improvement in environmental performance into our operations, services and processes.

IV. Complying with all environmental legislative requirements pertaining to its operations.

V. Applying the principles of continuous improvement to aim to move beyond simple compliance towards more sustainable and innovative outcomes.

VI. Working towards ecologically sustainable development that gives consideration to raw materials used, energy sources and usage, biodiversity protection and treating our natural resources with care.

VII. Adopting an avoid, reduce, reuse and recycle approach.

VIII. Demonstrate commitment to minimising environmental impact of goods and services through the implementation of the Environmental Purchasing Procedure & Guidelines.

IX. Developing a strong sense of environmental awareness amongst all employees and staff. This will be achieved by incorporating environmental priorities

within work programs or business plans and ensuring appropriate educational training is included in general training.

X. Undertaking regular environmental audits of various aspects of its operations in accordance with the ISO 14001 Environmental Management System standard.

XI. Implementing the initiatives contained with *the Local Agenda 21 Plan* and ensuring that the Plan is integrated into business plans of the relevant Business Units of Council with the necessary budget allocations.

XII. Undertaking an annual update and three yearly comprehensive reviews of the *Local Agenda 21 Plan*. The three yearly reviews will be undertaken in the context of the *State of Environment* reporting process and involve broad community consultation.

XIII. Aim to build a partnership with the local community to encourage greater community involvement in and awareness of environmental issues through the *Local Agenda 21 Plan.*

The **City of Marion** will ensure:

1. Environmental objectives are established and published so that they are publicly available, and;
2. That employees and suppliers of goods and services are informed about this policy and are aware of their responsibilities

REFERENCES:

Corporate Plan:
Relates to all KRAs, in particular, KRA5: Environment and Sustainability

Procedure References:
Environmental Management System Procedures and Registers.

Other Related References:
Environment Protection Act, 1993
City of Marion's State of Environment Report
Local Government Act, 1999 Objects of the Act, Section 3(g) *'to encourage local government to manage the natural and built environment in an ecologically sustainable manner'*

Previous Versions:
not applicable.