

**Berri Barmera**

**COUNCIL**

## **AGENDA**

**Special Meeting of Council**

**Tuesday 5 October 2021**

**at 6:15PM**

Building a better community

**Notice is hereby given pursuant to Section 82 (1) of the Local Government Act 1999, a Special Meeting of Council will be held in the Berri Barmera Council Chambers, 19 Wilson Street Berri on Tuesday 5 October 2021 commencing at 6:15PM.**



**KARYN BURTON**  
**CHIEF EXECUTIVE OFFICER**

**1 October 2021**

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**1 Present:**

**2 Apologies:**

Mrs Conny Wilson (Manager Environment, Economic and Regulatory Services)

**3 Members Declaration of Interest:**

**Elected members are required to:**

- 1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a material, actual or perceived conflict of interest in any matter to be considered in this Agenda.**
- 2. Disclose those interests in accordance with the requirements of Section 74 and 75A of the *Local Government Act 1999* on the approved form.**

**4 Confidential Items Consideration**

**Elected Members request for additional information required for the “public interest test” and for proposed confidential items in the Agenda.**

**5 Deputation / Address:**

**6 Reports**

**6.1 Reports - For Information Only**

Nil

**6.2 Reports - For Decision**

**6.2.1 Future planning; 29 Riverview Drive, Berri**

<b>REPORT AUTHOR:</b>	<b>Karyn Burton, Chief Executive Officer</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Karyn Burton, Chief Executive Officer</b>
<b>RECORDS REF:</b>	<b>N/A</b>

**FINANCIAL IMPLICATIONS:**

<b>Impact</b>	<b>Yes</b>
<b>Budget Description</b>	<b>Berri Library Building Purchase, redesign and refurbish</b>
<b>Allocation</b>	<b>\$500,000</b>
<b>Expenditure to Date</b>	<b>\$450,000</b>

## **STRATEGIC LINKS:**

### **1. Lifestyle**

L9 - Enhance utilisation of Council-owned recreation facilities for a more diverse range of activities aligned to community and cultural needs

### **2. Natural Environment**

NE3 - Design future developments and facilities to support active lifestyles and community health and wellbeing

### **3. Business**

B9 - Initiate improvements to infrastructure within townships to enhance amenity for residents and visitors

## **SUMMARY:**

At its meeting of 25 May 2021 Council resolved to purchase the building located at 29 Riverview Drive Berri. The purchase has now been finalised and this Special Meeting of Council has been scheduled to commence discussion regarding Council's ambitions and desired outcomes for the future use of this community space.

## **REPORT:**

### **Background**

As well as the resolution to purchase 29 Riverview Drive Berri the following report was presented, received and noted by Council at its meeting of 25 May 2021 –

*Recent discussions have been held at workshops and Council meetings regarding the potential strategic purchase of the property known as Irving's Printers – No. 29 Riverview Drive Berri.*

*Discussions identified the benefits to the township and community users if Council were to relocate its Berri Library services back to the central business district providing increased level of visitation and foot traffic back to the area.*

*The potential further cost-effective benefits to deliver the services offered by the Visitor Information Centre (VIC) within the same premises were also considered. Relocating the VIC to an alternative site would provide the opportunity for a local commercial business to occupy the current building which will better contribute to the activation and vibrancy of the riverfront precinct.*

*The imminent consolidation of the Glossop High School to be entirely at the Berri campus means there will be additional use by 800 or so students of the current library facilities and may mean the community use of the Berri Library services will be hampered. Further, it would be sensible for Council to be strategically prepared in the event notice is received and the current Joint Use Agreement with the Glossop High School is not renewed.*

### **Site Visit**

In order for Elected Members to be able to discuss options for the future and intended use of space within the building, an on-site inspection has been scheduled for 5:30pm, prior to this meeting.

### Suspension of Standing Orders

Once the Special Council meeting is opened, administration requests suspension of standing orders at this Agenda item to facilitate an informal discussion without the meeting Regulation constraints.

### **RECOMMENDATION:**

***That Council suspend standing orders to allow for strategic discussion regarding the Council property located 29 Riverview Drive, Berri.***

### Topics for Discussion

- Existing Library and Joint Use Library (JUL) Arrangements – **attached** is a report provided by Peter Ison, Manager Library Services providing background to the JUL, advantages and disadvantages for a relocation of community library services. Library staff will be in attendance to provide additional information if required.
- Council's 'will' to relocate community library services. Indications and commentary from the High School regarding the school's future needs at the current site is the preference for the new school to have a "front" presence on Kay Avenue. Additionally, with large student numbers attending from 2022 the need to utilise the library space purely for school use is probable.
- Is 29 Riverview Drive the right fit for the purpose of a community library? Will 29 Riverview Drive also accommodate the relocation of the VIC? – **Attached** is high level information provided by Mr David Altman relating to planning issues that should be considered.
- If Council were to relocate its community library, what specific services would be considered best outcome? e.g. history collection space, meeting/training rooms. Note - Berri Barmera Council provides for 2 community libraries within its district, with the Barmera Library predominantly servicing the Barmera township and Berri Library servicing the Berri township.
- Community consultation. - I have **attached** Council's Public Consultation Policy which clearly provides for various community engagement methods. If Council were to relocate its community library, a joint statement with the high school may be beneficial to recognise the successful JUL relationship over many years and to highlight the practicality of changing library use for both parties.
- Budget allocation – Council have allocated \$500,000 in the current year's (21/22) budget. This amount is for the purchase of the building (\$450,000), the removal of asbestos and to commence drafting of design plans according to Council's decision and direction.

- Resumption of standing orders to provide staff with further direction/endorsement/next steps. In the event Council wish to further pursue the option of the library relocation to 29 Riverview Drive, that a working group be formed to commence a consultation and planning process.

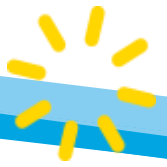
### **RECOMMENDATION:**

**That Council,**

- 1. having considered Report 6.2.1 titled Future planning; 29 Riverview Drive, Berri as presented to the Special Council meeting, receive and note the report.**
- 2.**

### **ATTACHMENTS:**

- 1. Berri Library briefing paper final 5 Oct 21 [6.2.1.1 - 6 pages]**
- 2. F W\_ 29 Riverview Drive\_ Berri [6.2.1.2 - 2 pages]**
- 3. Public Consultation & Community Engagement Policy [6.2.1.3 - 7 pages]**



# BERRI LIBRARY BRIEFING

## September 2021

### Summary

This briefing summarises the background of the Berri Public Library, and the joint use Berri Library & Information Centre. It references the joint use library agreement and provides some detail around how this agreement was set-up and the changes to it over the 22-year operation of the JUL. A table that lists some of the advantages and disadvantages to consider if relocating the Berri Library from its current location on Kay Avenue is also included.

**Peter Ison & Maureen Spiers**  
Berri Barmera Council (Berri Library)



## **Berri Joint Use Library Background**

A library service operating in Berri has a long history with the original institute library operating from the old Council and institute building on Strawbridge Street from 1920 to 1979. In June 1979 a new Berri Public Library opened at 19 Wilson Street. This serviced the library needs of the town for some 20 years until the Berri Library & Information Centre, opened in January 1999. This new purpose-built library cost approximately \$1.2 million and was created from the outset as a shared library facility, operated according to a Joint Use Library Agreement (JULA).

The original 3-way joint use agreement for Berri Library between the then Minister for Education & Children's Services (Glossop High School and TAFE SA) and the Berri Barmera Council, was signed on 2nd August 2001. This agreement was for 15 years and even though it was signed in 2001, the agreement ran from when the library first opened on 1st January 1999 to 31st December 2014.

Costs for the build were shared between each of the parties depending on their floor space requirements. The total floor space for the new building was 870 m<sup>2</sup> and it was envisaged that Council would require 450 m<sup>2</sup> of it for the public library which allowed for some growth (approximately 400 m<sup>2</sup> was available in the old public library at 19 Wilson Street).

The original agreement states that the Council paid the Minister \$611,216 as a contribution towards the cost of constructing the library and car park. The agreement also states that the Minister paid the Council \$72,227 towards the cost of purchasing the plant and equipment for the new library building.

TAFE SA pulled out at the conclusion of the original 15-year agreement in December 2014 and both the Glossop High School and the Berri Barmera Council agreed to continue the library partnership and began work on developing a new 5-year agreement.

This new and unsigned draft joint use agreement for the Berri Library was completed in 2016 and was lodged with the Dept of Education legal team. Unfortunately, it was held up for several years due to the DeBelle Inquiry which examined the response to a child sex abuse case at an Adelaide school in 2010. The hold-up in the agreement being the insertion of a Suitability of Persons clause for non-government schools which needs to refer to a "Managing allegations of sexual misconduct in SA education and Care Settings" document. In 2018 GHS floated the idea of the school consolidation and any original imputes to finalise the draft JULA was lost. Since 2016, both parties are continuing to operate the library in the spirit of the new draft agreement, just as they did in the 2 1/2 years of initial library operation before the original JULA was signed in August 2001.

The new draft agreement could be considered as active from the end of the last one (clearly stated in the original agreement as terminating on 31st December 2014). The new draft agreement ran for 5 years from 1 January 2015 to 31 December 2019. Again, since this date, both parties have been operating the library in the spirit of the original and draft joint use library agreements.

According to the draft agreement, Council needs to give at least 6 months written notice to exit the joint use agreement. The same goes for the school if they decide to exit the existing JULA.

Both agreements (the old and new draft one) contain a clause for "Obligations at the end of the term" and Council must yield possession of the library and jointly owned plant, equipment and resources will be divided equally between the parties. Ownership of all library stock is clearly labelled so there would be no issue in dividing up the public and school stock.

For all intents and purposes the Berri JUL has been a successful partnership and a library operation that has served Council and its ratepayers well since opening some 22 years ago.

When first opened, the Berri Library & Information Centre was a unique joint use library because:

- It was a tripartite (3 way) joint use library service – most joint use libraries are only shared between 2 partners.
- Funding and budget was based on floor space and divided between three partners <sup>9/19</sup> Council, <sup>5/19</sup> School and <sup>5/19</sup> TAFE. Administered by Berri Barmera Council. Now it is shared 50:50.
- It operated under a sole employment model with all staff being Council employed under the Municipal Officers Award (MOA). Most joint use libraries have staff operating under separate education and local government awards.

In a joint use library conference paper I presented in 2012 I wrote about the success of the Berri Library & Information Centre to date and stated that:

- "The 3 joint use partners have to be commended for having the vision to achieve the best outcomes for their respective communities.
- Real camaraderie exists between the 3 partners, Council, School and TAFE and a common belief in creating a new library and making it succeed.
- Library offers more to the community as a shared facility (resources base, technology, student & education support, professional expertise) than each of the 3 partners could have ever achieved on their own in a small country town like Berri."

Change is inevitable however and we saw the biggest one to date occur in December 2014 when TAFE exited the original JULA. At the time, as Library Manager I thought this would be a huge upheaval for the library, but in reality, it reaffirmed the importance of the joint library service at Berri and cemented the Councils partnership with Glossop High School and the Department of Education.

The consolidation of the two GHS campuses into the new Berri Regional Secondary College at the GHS Berri site opening in January 2022 is another huge change that is likely to affect the Berri Library in a number of ways. The impact this school consolidation will have on library services to the public remains to be seen, but an increase in student numbers combined with known staffing and building limitations suggest that it could be substantial.

Advantages and Disadvantages (not exhaustive) of relocating the Berri Library from the current site on Kay Ave

	ADVANTAGES	DISADVANTAGES
<b>STAFFING</b>	<ul style="list-style-type: none"> <li>If the Berri library service is merged with the VIC, then staffing will be able to be shared between the two services (and fully integrated over time). This would have the added benefit of both services being open and accessible by their users for longer hours per week.</li> </ul>	<ul style="list-style-type: none"> <li>Staffing levels at any new library are likely to drop over time so this may be reflected in service levels to the public (although this is unlikely, as the library was originally staffed to satisfy the requirements of all joint use partners and with any library move, there will only be one customer type i.e., ratepayers/public customers).</li> <li>Possibly overstaffed for a period of time.</li> </ul>
<b>FINANCIAL &amp; MANAGEMENT</b>	<ul style="list-style-type: none"> <li>If the Berri Library is merged with the Visitor Information Centre then short and long term cost savings are likely to result. This is especially true for the operating budget with only one IT network, less PCs required etc. and cost reductions in budget lines like printing and stationery, etc.</li> <li>At times, there has been a slow resolution of building and maintenance problems by DPTI. Council will have more direct control to get maintenance issues actioned faster.</li> <li>We will have direct control over the decision-making process that impacts library staff and patrons without having to take time to consider the effect on another stakeholder who may have a different focus. In recent times there have been some decisions made by GHS that impacted the library and we were not involved in the decision-making process</li> <li>No requirement for a joint use library agreement as only one party involved in management of the facility.</li> </ul>	<ul style="list-style-type: none"> <li>There will be costs to refurbish or build a new library elsewhere as well as the cost associated with relocating. If the library and VIC relocate to the same space, then this will need to be taken into account.</li> <li>Management representatives from the school have mentioned that their space is limited with the new build and that utilising the existing Berri Library building for administration functions would be beneficial to them – it is not out of the question that the Council will be asked to exit the joint use agreement in the near future after the Berri Regional Secondary College is established.</li> </ul>
<b>LIBRARY SERVICES &amp; USERS</b>	<ul style="list-style-type: none"> <li>Public patrons will be able to access the library as sole users with no need to share the space with high school students. The new location may attract more public library patrons who prefer a single use environment.</li> </ul>	<ul style="list-style-type: none"> <li>Impact of a possible move on established long term library users who are used to the current site and service levels.</li> </ul>

	<ul style="list-style-type: none"> <li>Public patrons will have uninterrupted/exclusive access to library staff and will be served in a timelier manner. With a student population of over 800 students in 2022 and without extra staff in the library there will be a high ratio of students to public patrons i.e., there is a huge imbalance regarding the public/student customer base.</li> <li>The children's area would be completely free to be used for children's activities without the presence of the students who use the area to search for suitable reading material.</li> </ul>	<ul style="list-style-type: none"> <li>Space restrictions in any new location may mean that services usually offered from the existing Berri Library may need to be scaled back.</li> </ul>
<p><b>ACCESS &amp; CARPARKING</b></p>	<ul style="list-style-type: none"> <li>Any new location closer to the Berri CBD would mean there is more potential for public customer visits via foot traffic.</li> <li>A shared library and visitor information centre would benefit both services with cross sharing of visitors and library patrons – result in increased profile of the new service.</li> <li>The library building and car park is currently owned by the Department of Education and any change of use to these or required building alterations need to be approved by them and the costs shared between both parties. This is not viable in most cases as the needs of each party can differ greatly.</li> <li>Public library customers and staff will not have to compete with parents dropping off and picking up students to school in the library car park. Teachers and TAFE staff and students also utilise the library car park for all day parking because it is more convenient to park there than in their own dedicated car parks. With the establishment of the Berri Regional Secondary College in 2022, the library car park is likely to become even more crowded at peak times, significantly raising the risk of an accident occurring and preventing parking by genuine public library users and staff.</li> </ul>	<ul style="list-style-type: none"> <li>The problem of car parking for individuals and public groups using the library may be exasperated. The current library car park consists of 23 parks with 18 being dedicated public spaces (including 1 disabled space) and 5 to staff. Will there be enough car parking at the new site? Having said that, car parking at the current joint use library has always been an issue of concern (see "Advantages").</li> </ul>

<p><b>COLLECTION &amp; RESOURCES</b></p>	<ul style="list-style-type: none"> <li>• The collection will be available to the public exclusively. No items will be on loan to high school students.</li> <li>• The library spaces like the meeting room and reading room are currently over utilised by the school, sometimes at the expense of public customers or groups who may wish to book them. This is a direct result of the school not having adequate spaces available for meeting use.</li> </ul>	<ul style="list-style-type: none"> <li>• Less physical space for library services and collections. The current floor space set aside for public library use in 1999 at the then new JUL was 450 m<sup>2</sup> (936 m<sup>2</sup> in total for whole library, including IT Room – excl. IT room = 869 m<sup>2</sup>). The current library has a reading room for training and larger meetings, a space for local history collection, a small meeting room and a generous staff area. Would a new library be able to accommodate these and other services? Does it have to?</li> <li>• Less stock to access for public library customers. 18% of stock located in the Berri Library (6,264 out of 34,502 total items) is owned by the school and this will remain at the Berri Regional Secondary College. It is worth noting that 64% of this stock is more than 10 years old so would be due for withdrawal based on SA public library collection development principles.</li> </ul>

**From:** David Altmann  
**Sent:** Wed, 15 Sep 2021 01:21:07 +0000  
**To:** Karyn Burton  
**Subject:** FW: 29 Riverview Drive, Berri

Copy, as requested - cheers

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**From:** David Altmann  
**Sent:** Thursday, 26 August 2021 1:10 PM  
**To:** Karyn Burton <kburton@bbc.sa.gov.au>  
**Cc:** Conny Wilson <cwilson@bbc.sa.gov.au>; Chloe Stidiford <cstidiford@bbc.sa.gov.au>; Dennis Crafter <dcrafter@bbc.sa.gov.au>  
**Subject:** 29 Riverview Drive, Berri

Hi Karyn

As requested, here is broad high-level overview of the Planning & Design Code for the property at 29 Riverview Drive, Berri.

The relevant zone (Tourism Development) and Overlays are shown in the graphic below (Source:- SAPPA and Planning & Design Code) – further comments follow.

29 RIVERVIEW DR BERRI SA 5343  
 → [View more details in SAILUS](#)  
 ☒ [Send this page to me as a PDF](#)

To view a detailed interactive property map in SAPPa click on the map below

**Property Zone Details**

**Overlay**

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Murray Darling Basin
- Native Vegetation

**Zone**

- Tourism Development

The Tourism Development Zone, subject to assessment of a development application, gives scope for ‘a range of tourist accommodation and associated services and facilities that enhance visitor experiences and enjoyment’. It would not be unreasonable to expect community facilities that support vibrancy and activity within a tourism precinct, again subject to assessment of a development application for a change in use of the building a point in time.

Other normal/traditional aspects would also need to be considered such as (but not limited to) carparking, services, onsite facilities for patrons and the like – I understand that there may be scope for shared use parking arrangements in the general locality.

Building Rules approval would also be required for a change in building classification.

Hope this helps for now.

Cheers

David

**Keywords:** *Public Community Consultation Engagement*

<b>Classification:</b>	<i>Executive Services – Statutory Policies – Public Consultation</i>
<b>First Issued/Approved:</b>	<i>27<sup>th</sup> August 2002</i>
<b>Review Frequency:</b>	<i>Regulatory Requirement: Within 12 months of a General Election Good Governance Practice: Annually</i>
<b>Last Reviewed:</b>	<i>April 2020</i>
<b>Next Review Due:</b>	<i>2021</i>
<b>Responsible Officer(s):</b>	<i>CEO / EA</i>
<b>Council File Reference:</b>	<i>COUNCIL POLICIES (P)</i>
<b>Applicable Legislation:</b>	<i>Section 50 Local Government Act 1999 (SA) – Public Consultation Policies</i>
<b>Relevant Policies:</b>	<i>Access to Meetings - Code of Practice; Order Making Policy</i>
<b>Related Procedures:</b>	<b><i>Sec. 50(4) – Public Consultation required prior to adoption of the “Public Consultation Policy” and/or alteration/amendment thereto unless (Pt. 6) alteration is determined to be of minor significance. Requires notification in the “Advertiser” for significant changes.</i></b>
<b>Delegations:</b>	<i>Berri Barmera Council Delegations Register</i>

## Purpose

The Public Consultation and Community Engagement Policy has been developed in accordance with the intent and requirements of Section 50 of the Local Government Act 1999. The policy provides a basis for involving the community in planning and decision making processes to ensure effective community engagement and participation in the management of community resources, and to foster a partnership with the local community.

## Objectives

The objectives of this Policy are:

- (a) to fulfil the statutory requirements of the Local Government Act 1999 Sec 50;
- (b) to enable the community to contribute to the Council’s decision making through open and accountable processes;
- (c) to promote equity through optimal access to consultation opportunities;
- (d) to provide a framework for the administration’s implementation of the Council’s principles for community engagement, including community consultation.



## Public Health Emergency: Public Access and Public Consultation

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999*, the *Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2)* varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.

For the period Notice No 2 has effect (as provided for in Notice No 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the *Local Government Act 1999*.

### Alterations to Public Consultation Policy

#### **A. Definitions**

For the purposes of these alterations **the Council** includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

#### **B. Statutory Requirement to Hold Public Meetings Suspended**

The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will not hold such a public meeting or invite persons to attend a meeting of the Council to ask questions or make submissions on the matter.

The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested persons to make written submissions within the period stated in the notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will consider the submissions at a meeting of the Council.

### **C. Other Requirement to Hold Public Meeting Suspended**

The Council will not hold a public meeting in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not hold a public meeting in relation to any matter for which this Policy would, but for this provision, require the Council to hold a public meeting.

To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

### **D. Other Requirement to undertake in Person Consultation Activity Suspended**

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

### **E. Suspension of Other Inconsistent Provisions**

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph D operate in their stead.

### **Interpretation**

For the purposes of this Policy, the following definitions apply:

- (a) *Community* means “the public”. The community includes ratepayers, residents and all people who live, work, study, conduct business or use the services, facilities and public places in the Berri Barmerra Council. These people are often referred to as “stakeholders” in the affairs of the Council.
- (b) *Communication* in this Policy, means conveying information to another party.

- (c) *The Act* means the Local Government Act 1999, as amended.
- (d) *Community Engagement* is any process that involves the community in problem solving or decision-making and uses community input to make decisions. Community engagement can include communicating with the community about decisions made; consulting on specific ideas or proposals; involving the community in planning processes; and collaborating with the community to make decisions.
- (e) *Community Consultation* is part of community engagement and means a planned process by which the Council formally invites its constituents and stakeholders to comment about matters upon which Elected Members are to deliberate. This means providing information to the community and eliciting opinions and comments from members of the public, for the Council to consider. The final decision regarding such matters rests with the Council. The Administration may also consult the community regarding specific aspects of programs to be implemented, within the framework of the Council's decisions and the provisions of the Local Government Act or other legislation. The final decision regarding these operational matters, rests with the Chief Executive Officer.
- (f) *Council* means the Elected Members of the Berri Barmera Council. The *Council Administration* refers to the employees and contractors engaged by the organisation.

## Principles

The council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between the council and the community.

The Council has adopted the following principles as central to effective community engagement and public consultation:

- (a) The community has a right to contribute to and to be informed about key decisions and issues affecting the local area.
- (b) The community is to be provided with adequate information in order to make informed opinions. Information is to be provided to identified stakeholders so that it:
  - (i) is clearly presented and relevant;
  - (ii) is readily accessible;
  - (iii) clearly defines the aspects of the matter which are subject to community comment;
  - (iv) is provided with due regard to the resources available and to relevant legislation, Council Policies and Codes of Practice;
  - (v) clearly states that submissions received will become public documents;
  - (vi) provides contact details for further enquiries; and
  - (vii) outlines the decision making process of which the consultation is a part.
- (c) Appropriate and timely opportunities are to be provided for people to gain access to information and to be involved in community engagement programs and should result in greater confidence in the Council and responsive decision making.
- (d) Presentations by members of the public at formal Council meetings are governed by Local Government (Procedures at Meetings) Regulation number 11 (Deputations).
- (e) The Council has a responsibility to consider all submissions in a balanced way, and recognises that community opinion is one aspect of the decision making process. The Council will strive to make decisions for the good governance of the district as a whole, over the long term, taking account of all the influences and factors relevant to any particular matter. The Council is

required to make decisions that are equitable, economically, socially, culturally and environmentally appropriate, timely and in accord with legislation.

- (f) Community engagement processes will be open, transparent and accountable and within resource constraints. The level and style of engagement with the community will vary depending on the community interest in the matter, the number of people potentially affected by the Council's decision, the resources available, and legislative requirements. An appropriate period of time is to be provided for consideration of, response to and collation of input on the matter.
- (g) Informal consultation methods that capture community engagement commentary are to be included within the reporting of public consultation where possible. An example is:
  - Comments via Council's Social media platforms may be included where appropriate as part of any consultation undertaken by Council.
- (h) The community will be advised of significant decisions which have involved a community engagement process, and there will be readily available public access to the outcomes of all community engagement programs. Consultation and engagement methods may include:
  - Publication in a regular newsletter
  - Letters to residents and other stakeholders
  - Other direct mail publications or letterbox drops, as appropriate
  - Advertising in media outlets as deemed appropriate
  - Media releases to appropriate media outlets and community groups
  - Direct consultation with community representative groups
  - Active and passive use of Council's website and social media
  - Use of a community email database
  - Customer Surveys
  - Fixed displays, e.g. community notice boards

### **Statutory Requirements**

The preparation and adoption of this policy fulfils the council's obligations under section 50(1) of the Local Government Act 1999. Where there are statutory requirements for consultation, these will take precedence over this policy where there is any inconsistency.

Section 50 provides that:

- The council must set out the steps that the council will follow in cases where the Local Government Act requires consultation on a matter, and
  - The council may set out the steps that council will follow in other cases involving the council's decision-making.
- (a) In addition, under the Local Government Act the council has the following obligations where it is required by law to follow its public consultation policy.
- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
  - Council must publish a notice in a newspaper circulating in the area and on the council's website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
  - Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, the council must submit the proposal to a public consultation process.

(b) The Local Government Act 1999 requires that community consultation be undertaken in relation to the following matters. Legislative requirements must be followed with regard to:

- |  |                             |
|--|-----------------------------|
| • Composition and wards of the Council                       | Section 12(7)               |
| • Status of Council or change of names                       | Section 13(2)               |
| • Principal office of the Council                            | Section 45(3)               |
| • Prudential requirements for certain activities             | Section 48 (2)(d) (5) & (6) |
| • Public consultation policy                                 | Section 50(6)               |
| • Access to meetings and documents - code of practice        | Section 92(5)               |
| • Strategic management plans                                 | Section 122(6)              |
| • Annual Business Plans & Budgets                            | Section 123(3)(b)           |
| • Basis of rating  | Section 151(5)              |
| • Basis of differential rates                                | Sec 156(14a) to (14f)       |
| • Community land: classification                             | Section 193(2)              |
| • Community land: revocation of classification               | Section 194(2)              |
| • Community land: proposed management plans                  | Section 197(1)              |
| • Community land: amendment or revocation of management plan | Section 198                 |
| • Community land: alienation by lease or licence             | Sec. 202(2)& (3)            |
| • Permits for business purposes (on roads)                   | Section 223(1)              |
| • Planting of vegetation on roads                            | Section 232                 |
| • Vehicles - Removal   | Section 237                 |
| • Passing by-laws  | Section 249                 |
| • Order making policies                                      | Section 259                 |
| • Proposing to remove trees and road construction projects   |                             |

### **Additional Matters For Consultation**

Where there are legislative requirements for consultation under other legislation applicable to the council, such as the Development Act 1993, these specific processes take precedence over this policy, should there be any inconsistency.

In addition to the matters set out in the Local Government Act 1999, the Council may choose to follow this policy in regard to other matters. Without limiting the extent of the operation of this policy, issues warranting community consultation may include:

- Major public infrastructure developments - an extended public consultation period of 28 days be undertaken for major public infrastructure developments. Council also take into consideration delivery methods of public consultation and community engagement for major projects.
- The provision of services and facilities
- Traffic management
- Proposals for change

## **Implementation Of This Policy**

This policy applies to Council Members sitting as the elected body, council employees, contractors, agents and consultants acting on behalf of Council.

The Chief Executive Officer is responsible for the implementation of the Public Consultation Policy, establishing the consultation level, reporting outcomes of the consultations to the council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

### **ACKNOWLEDGMENT:**

*This Policy has been sourced from the Unley City Council whose permission has been granted to use as a template by the Berri Barmera Council. Additional text has been sourced from the LGA SA Public Consultation Policy template.*

**7 Questions/Motions Without Notice**

**8 Confidential Items**

**8.1 Confidential Items Report - For Information**

Nil

**8.2 Confidential Items Report - For Decision**

Nil

**9 Items for Communication**

**10 Closure**