

**Berri Barmera**

COUNCIL

CONFIDENTIAL AGENDA

**Strategy, Assets and Major Projects
Committee**

Tuesday 14 December 2021

Building a better community

10 CONFIDENTIAL ITEMS.....3

10.1 Confidential Report - For Information Only3

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released

10 Confidential Items

10.1 Confidential report - For Information Only

Nil

released

10.2 Confidential Report - For Decision

10.2.1 Future Planning - Library Services

RECOMMENDATION (EXCLUSION):

That pursuant to Sections 90(2) and 90(3)(h) of the Local Government Act 1999 the Committee orders that the public be excluded with the exception of the Chief Executive Officer, Acting Manager Environment, Economic and Regulatory Services, Manager Infrastructure Services, Manager Corporate Services, Manager Community Development and Executive Assistant on the basis that it will receive, consider and discuss correspondence relating to the “Future Planning - Library Services” and the Committee is satisfied that the principle, being that the meeting should be conducted in a place open to the public, is outweighed in relation to the matter because receiving, considering and discussing the matter involves:

90(3)(h) legal advice

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

FINANCIAL IMPLICATIONS:

Impact	Yes
Budget Description	Berri Library Building Purchase, redesign and refurbish
Allocation	\$500,000 current year only
Expenditure to Date	\$450,000

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

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. A further Special Meeting of Council was held on 5 October 2021 to discuss Council’s preferred outcomes for the future use of this community space.

REPORT:

At the Special Meeting of Council of 5 October 2021 discussions were held around the potential use of property 29 Riverview Drive Berri and the possibility that Council's Berri Library Services be relocated to this location. Key points of discussion were -

- Background and history pertaining to the Joint Use Library (JUL) arrangement that is currently in place with the Minister for Education and Children's Services (High School).
- Advantages and disadvantages were highlighted in the event Council chose to relocate library services.
- Council's will to relocate library services and the GHS intentions for JUL in the future.
- 29 Riverview Drive, fit for purpose, incorporating other services e.g., VIC, planning and parking considerations.
- Community consultation.

At the conclusion of the discussion around the above points the following motion (point 2 of motion) was carried -

That Council liaise with the Glossop High School regarding future use of community school library.

On 29 October 2021, Council's Library Manager and I met with Emily Griggs, Principal of Glossop High School, to discuss the current JUL, what the High School's future needs of the current library facilities are and what outcome the High School would prefer moving forward now that the consolidation process is nearing completion. Keeping in mind that the Berri Regional Secondary College will be opening in January 2022 accommodating 800 students from years 7 to 12.

Correspondence has been received from Emily Griggs, Principal and Amy Goodman, Governing Council Chair indicating the school's preference is for Council to vacate the library facility to allow full use of the building by the school. Emily further provides notice of intent to terminate the JUL Agreement providing dates which would suit their school operations and transition and for Council to end the community use of the building. (See attached)

To provide full and relevant information to Elected Members I provided background information to Council's legal counsel posing the following questions –

1. Given that several joint use library agreements exist (the original that was signed and two new draft agreements which were never signed) and the library has been operating successfully since January 1999, which agreement is legally binding?
2. If the Department of Education asks Council to exit the joint use agreement, can Council refuse the request?
3. If the Department of Education asks the Council to exit the joint use agreement by a certain date, and correct period of notice is given, can we negotiate on the cessation date?

Please see legal advice provided by Cimon Burke of Kellely Jones Lawyers, attached. Notwithstanding the two recommendations provided by Cimon within her advice it appears inevitable that Council will be required to consider relocating Council's library services to an alternative site.

Council may now wish to further consider the appropriateness of 29 Riverview Drive as the site for the relocation and form a working group to commence discussions and planning for the processes required for this to occur.

A thorough public consultation process will be essential in the first instance. I envisage that this would be the first task the recommended working group would initiate as the commencement of the project.

RECOMMENDATION:

That the Committee,

1. **having considered Report 10.2.1 titled "Future Planning - Library Services" as presented to the Strategy, Assets and Major Projects meeting, receive and note the report.**
2. **recommends a working group be formed, consisting of CEO, Library Manager, and two (2) Elected Members to oversee the project of Berri Library Services relocation.**
3. **The working group to report to Council at each Strategy, Assets and Major Project Committee meeting of progress and for direction if required.**

ATTACHMENTS:

1. BB Council Notice [10.2.1.1 - 1 page]
2. RE advice re Joint Use Agreement Berri Library (KJ 210206) [10.2.1.2 - 9 pages]

RECOMMENDATION (ORDER):

1. **That having considered Agenda Item 10.2.1 titled "Future Planning - Library Services" in confidence under section 90(2) and 90(3)(h) of the Local Government Act 1999, the Committee, pursuant to section 91(7) of that Act orders that the documents remain confidential for a period of twelve months.**
2. **Pursuant to section 91(9)(c) of the Act the Committee delegates to the Chief Executive Officer the power to revoke this order.**



Mayor Peter Hunt
Ms Karyn Burton, CEO
Berri Barmera Council
19 Wilson Street
(PO Box 229)
Berri SA 5343

Dear Peter and Karyn,

I am writing to you in relation to our Berri Joint-Use Library which is located on the Berri Campus of Glossop High School, Kay Ave, Berri. The Joint-Use Library has catered to the needs of the public and Glossop High School community since January 1999. Prior to this time the community Library was located on Wilson Street, Berri, and operated jointly with Council Services.

As you are aware, Glossop High School is currently in the process of consolidating our two campuses and as a result, Berri Regional Secondary College will open for 800 students from Years 7 to 12 in January 2022.

We are thankful that for more than two decades, the Joint-Use Library has successfully met a range of needs for students, staff, and members of our wider community. In the meantime, the school's enrolments and the local population have both grown, resulting in the need for our full use of the school's Library facility, which is the property of the Minister for Education. Accordingly, I am writing to provide notice of intent to terminate our Joint-Use Library Agreement, in keeping with the conditions of our Joint-Use Agreement. Naturally, we are mindful of the need for an appropriate transition period in order to ensure a smooth and timely transfer, while also ensuring Berri Regional Secondary College can operate our library from the beginning of the 2023 school year. With this in mind, it would be ideal if the Berri Barmera Council use of the library building could end by September 30 2022. We are aware that Berri Barmera Council has been exploring possible options for location of a new local community library and we trust that the needs of our school community and the local community can be met in mutually beneficial ways through this process.

Please do not hesitate to contact me if you have any queries about this notice of intent.

Yours sincerely

Emily Griggs
Principal
24/11/2021

Amy Goodman
Governing Council Chair