
2. PETITION SEEKING PUBLIC MEETING AND POOL REPAIR AND REOPENING

Author: General Manager (Tony McMullen)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: 2A Anfield Street

Community Plan Reference:

Community Plan 2015-2040

Leading our community

Provide a safe city with quality open space and community and recreation facilities and services for all age groups.

Strategic or Annual Plan Reference:

Strategic Plan 2023 - 2032

Objective 4.1 We are a leader and partner that acts with integrity and upholds our community's best interests.

Strategy 4.1.1 Listen to our community to understand their needs and priorities.

Strategy 4.1.4 Make informed decisions that are open and transparent and in the best interests of our community.

Objective 4.2 We responsibly manage our community's resources to deliver what matters most.

Strategy 4.2.1 Manage the City's assets responsibly for the long-term benefit and growth of the community.

Strategy 4.2.2 Deploy the Council's resources effectively to deliver value while being financially responsible.

Strategy 4.2.3 Manage compliance and risk in Council and the community through effective systems and processes.

Strategic or Annual Plan Reference:

Annual Plan 2023/4 to 2026/7

Leading our community

Action 4.2.1.2 Manage Council's property, parks and recreation infrastructure and facilities sustainably for the benefit of the community by implementing asset management plans that maintain or replace facilities as they reach the end of their useful lives.

Action 4.2.2.3 Investigate options and advocate for pool upgrades, redevelopment or alternative options that promote the community's health and wellbeing.

Action 4.2.4.1 Implement the WHS Development Framework to support staff in delivering services in a safe workplace that complies with workplace health and safety obligations.

Valuing our environment

Action 5.2.3.6 Investigate the future of the Glenorchy War Memorial Pool, including redevelopment or alternative options that promote the community's health and wellbeing.

Reporting Brief:

For Council to consider a petition tabled at the Council meeting on 29 January requesting a public meeting about the Glenorchy War Memorial Pool and seeking its urgent repair and re-opening.

Proposal in Detail:

Petition Details

On 29 January, Ms Janiece Bryan submitted a petition to Council.

The petition states:

Petition to Glenorchy City Council

We the undersigned, hereby request that Council

- 1. Urgently repair and re-open the Glenorchy War Memorial Pool*
- 2. Hold a public meeting to address the pool related concerns.*

According to the summary from Ms Bryan, the petition contains:

- 4536 signatories
- 1873 signatories with a Glenorchy City Council address
- 1183 signatories with a Glenorchy City Council address (suburb only)
- 1480 signatories from outside the Glenorchy City Council area

On 5 February 2024, an additional four signed petition pages were received, bringing the total numbers to:

- 4586 signatories
- 1903 signatories with a Glenorchy City Council address
- 1185 signatories with a Glenorchy City Council address (suburb only)
- 1498 signatories from outside the Glenorchy City Council area

For the General Manager to be able to table the petition at a Council meeting, the *Local Government Act 1993* (the Act) requires, (under s. 58(3)) that the petition:

- (a) complies with s. 57 (which sets out what the requirements for a petition are);
- and

- (b) must not be defamatory; and
- (c) must not propose any unlawful action.

The General Manager examined the petition and reported to Council he was satisfied the petition met the requirements to enable it to be tabled.

Under s. 60(2) of the Act, the General Manager is required, within 42 days of the tabling of the petition to advise the Council at a council meeting whether the petition is sufficient to require a public meeting (i.e. complies with s. 59) and the Council is to determine any action to be taken in respect of the petition.

Consideration of petition

1. Request for urgent repair and re-opening of the Glenorchy War Memorial Pool

Council commissioned a detailed pool inspection and full audit of the pool and carried out by aquatic centre and asset specialists, Lacus Consulting and Know-Ledge Asset Management Services (the consultants). Copies of these reports were provided to the open Council Meeting on 31 July 2023 and are also available on Council's website.

The detailed condition assessment revealed that the Glenorchy Pool facilities have reached a condition and age that presents significant health and safety risks.

On 4 July 2023, the General Manager made the decision, in his capacity as "person controlling the business or undertaking (PCBU)" under the *Work Health and Safety Act 2012*, that the Glenorchy Pool not reopen for the pool season and that the pool remain closed until further notice.

The condition assessment consultants identified 5 potential options for the future of the site:

- Option 1 - Business as Usual – Do nothing
- Option 2 - Make the necessary repairs only
- Option 3 - Major overhaul and renewal
- Option 4 - Replace with a new facility
- Option 5 – Close the pool permanently

Option 2 and 3, relating to repair of the existing facility differed in their scope and cost of works from a preliminary estimate of \$1.3M for essential repairs only with a pool closure of two years required to a preliminary estimate of \$5.1M to make the pool safe and improve pool amenity, with a pool closure of at least two years envisaged. Tellingly, both options would only result in an additional 5 years of operation, given the existing 60 year old facility life. It should also note that the estimates provided were preliminary only and were not quantity surveyor's estimates.

The officers' conclusion was that options 2 and 3 present as financially unsustainable for ratepayers given the large investment required would only provide about five more

years of life to the pool leaving Council in the same predicament in five years' time. In addition, repairs would be required to a range of pool assets to make them safe, likely triggering the need to bring those assets up to contemporary standards. As previously stated, Council does not have quantity surveyor's estimates for Options 2 And 3, leading to uncertainty as to the ultimate cost of undertaking repairs.

Council has initiated a pool redevelopment and alternative options project and has appointed MI Global as the consultants to provide it with independent expert advice on the options for the 2A Anfield Street site going forward including those relating to the pool.

This project is currently underway and includes consideration of a redeveloped pool facility, cost benefit analysis of options, and comprehensive community and stakeholder consultation.

In summary, the following response is recommended after considering the petition's call for urgent repair and reopening of the pool:

Council's position to date, based on expert asset management advice, has been that urgent repair and re-opening of the pool is not a realistic or viable option given the extent and cost of the repairs likely to be required, the time required to undertake them and the limited additional asset life it would bring. There are uncertainties about the ultimate extent of works required and the ultimate cost to ratepayers. (On a preliminary estimate only, Option 3 would cost \$5.1M or approximately \$231 per ratepayer.)

However, given the request for urgent repair and reopening of the pool has been made within the petition, there is an opportunity for Council to require the independent expert consultants who are undertaking the current Pool Redevelopment and Alternative Options Project to examine this option in greater detail as part of the project's scope. This could potentially involve redesign and costings for a renewed facility.

There is also an opportunity for the community to put proposals to the independent expert consultants as part of the extensive community engagement process for the Project. The consultants will be carefully considering and analysing the options put to them and will bring their recommendations back to Council for its further consideration.

2. Request for a public meeting to address the Pool Related Concerns

Under s. 59 of the Act, a council must hold a public meeting if the petition complies with s. 57 and is signed by whichever is the lesser of 5% of the electors, or 1000 electors. At the 2022 local government elections, Glenorchy had 33,504 persons enrolled to vote. Therefore, in this case, the petition must contain a minimum of 1,000 electors to require a public meeting.

Electors are persons entitled to vote at local government elections or by-elections. (ss. 3 & 254).

Council officers undertook a due diligence analysis of the petition to ensure that the required minimum number of electors had signed it. (The purpose of this process is to eliminate non-electors such as those outside the municipality not entitled to vote in Glenorchy local government elections, minors, duplicate signatories, and those whose details are illegible or otherwise insufficient to establish that they are electors). It was established that the minimum threshold of 1,000 elector signatories had been surpassed, triggering the requirement for a public meeting to be held.

Under s. 60(3), Council is therefore required to hold a public meeting to discuss the subject matter of the petition within 30 days after this Council meeting. The meeting must be held by Wednesday 27 March 2024.

It is proposed to hold the public meeting on 27 March 2024, at 6.00pm, in the Jack Rough room at KGV, 1A Anfield Street, Glenorchy.

Consultations:

Elected Members
Executive Leadership Team
Manager, Property, Environment & Waste
Senior Legal Counsel & Governance Coordinator

Human Resource / Financial and Risk Management Implications:

Financial

No material financial considerations

Human resources

The organisation of the public meeting will be undertaken within existing Council resources, with some reprioritisation.

Risk management

Staff, elected member, and public safety at the public meeting will be managed through a risk assessment and the implementation of relevant controls.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<p>Adopt the recommendation</p> <p>Council complies with the Local Government Act requirements for dealing with the petition and request for a public meeting.</p>	Moderate (C3)	Unlikely (L2)	Medium	The requirements are complied with and relevant administrative arrangements are made.
<p>Do not adopt the recommendation</p> <p>Council does not comply with the Local Government Act requirements for dealing with the petition and request for a public meeting and suffers reputational damage and compliance risk.</p>	Moderate (C3)	Almost certain (L5)	High	To meet the statutory requirement to hold a public meeting within 42 days after tabling of the petition at the 29 January Council meeting, arrange a Special Council meeting before 11 March 2024 to further consider the Petition.

Community Consultation and Public Relations Implications:

Community consultation

Under s. 60(1) of the Act, the General Manager is required to write to the person who lodged the petition and advise them whether the petition is sufficient to require a public meeting and give reasonable notice of when Council is to consider the petition.

A letter was sent to the organiser of the petition on 13 February 2023 advising them that the number of elector signatories was enough to trigger a public meeting and that Council would be considering the petition at its meeting on 26 February 2024.

Public notices advertising the topic, date, time, and venue of the meeting will be distributed as follows:

- Council notice board
- Mercury Newspaper (weekday)
- Mercury Newspaper (weekend)
- Council’s website
- Copy provided to Ms Janiece Bryan as the submitter of the petition

Community members will be invited to make a submission to the meeting up until 12 noon 21 March 2024. All submissions will be summarised and made available at the public meeting and will be included in the minutes of the next Ordinary Council Meeting.

Community members wishing to raise a motion at the meeting will be requested to provide a copy of the proposed motion to Council by 12 noon 21 March 2024.

Public relations

This matter is of public interest and all decisions and information will be made available on Council's website.

Recommendation:

That Council:

1. NOTE the receipt and tabling of a petition on 29 January 2024 requesting a public meeting about the Glenorchy War Memorial Pool and seeking its urgent repair and re-opening, which was signed by 4536 signatories of which 3056 had Glenorchy addresses.
2. NOTE the submission of a supplementary petition with the same request on 5 February 2024 which was signed by 50 signatories of which 32 had Glenorchy addresses.
3. DETERMINE that the following actions be taken in response to the petition:
 - a. that a public meeting be held at 6.00pm on 27 March 2024 in the Jack Rough Room at KGV, 1A Anfield Street, Glenorchy to address Glenorchy War Memorial Pool-related concerns including its urgent repair and reopening;
 - b. that the meeting be publicised in accordance with the requirements of the *Local Government Act 1993* including its date, time and place; and inviting written submissions to the General Manager in relation to the subject matter;
 - c. that the petition's request relating to urgent repair and reopening of the pool be referred to the independent expert consultants undertaking the Pool Redevelopment and Alternative Options project with instruction that it be included within the scope of the project.
4. NOTE that there will be extensive opportunities for community input as part of the Pool Redevelopment and Alternative Options project which is currently underway, and that the consultants will carefully consider and analyse the options put to them, before bringing their recommendations back to Council for its further consideration.

Attachments/Annexures

Nil.