



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 30 JUNE, 2014
COMMENCING AT 4.35pm
IN THE YORK RECREATION &
CONVENTION CENTRE**

Table of Contents

1. OPENING	5
1.1 Declaration of Opening	5
1.2 Disclaimer.....	5
1.3 Suspension of Standing Orders –	5
1.4 Announcement of Visitors	5
1.5 Declarations of Interest that Might Cause a Conflict.....	5
Financial Interests.....	5
Disclosure of Interest that May Affect Impartiality.....	5
2. ATTENDANCE	6
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4. PUBLIC QUESTION TIME.....	6
4.1 Public Question Time – Written Questions – Current Agenda	7
4.2 Public Question Time – Current Agenda.....	7
5. APPLICATIONS FOR LEAVE OF ABSENCE	7
6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....	7
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	7
9. REPORTS.....	7
9.3 WORKS REPORTS	9
9.3.1 Urgent Repairs to York Bowling Green	9
10. CLOSURE	19



SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON MONDAY, 30 JUNE 2014, COMMENCING AT
4.35PM IN THE YORK RECREATION & CONVENTION CENTRE

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr Matthew Reid, Shire President, declared the meeting open at 4.35pm.

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Suspension of Standing Orders – Clause 3.2 – Order of Business

Moved: Cr Hooper Seconded: Cr Smythe Carried: 6/0

1.4 Announcement of Visitors *Nil*

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests
Nil

Disclosure of Interest that May Affect Impartiality
Nil

2. ATTENDANCE

2.1 Members

*Cr Matthew Reid, Shire President; Cr Mark Duperouzel, Deputy Shire President
Cr Denese Smythe, Cr Pat Hooper, Cr Tony Boyle, Cr David Wallace*

2.2 Staff

*Michael Keeble, Chief Executive Officer; Graham Lantzke, Manager Works & Projects;
Helen D'Arcy-Walker, Executive Support Officer; Esmeralda Harmer, Secretariat*

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 11 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cr Reid read the following statement at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

"Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.
- Shire of York guidelines for Public Question Time are included on the meeting agenda."

PRESIDING OFFICER

21 October 2013

4.1 Public Question Time – Written Questions – Current Agenda

Public Question Time commenced at 4.38pm

4.2 Public Question Time – Current Agenda

There were no questions from the Gallery and Public Question time was declared closed at 4.39pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. REPORTS

9. OFFICER'S REPORTS

9.3 WORKS REPORTS

9.3.1 Urgent Repairs to York Bowling Green

FILE NO:
COUNCIL DATE: Monday 30 June 2014
REPORT DATE: Friday 27 June 2014
LOCATION/ADDRESS: Forrest Street, York
APPLICANT: NA
SENIOR OFFICER: Works Manager, Graham Lantzke
AUTHOR: Works Manager, Graham Lantzke
DISCLOSURE OF INTEREST: No
APPENDICES: Technical Report Bowling Green Subsidence
DOCUMENTS TABLED: Plan of Bowling Greens
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

Subsidence is occurring underneath the York bowling green artificial turf causing cavities which have extended to the surface of the greens. The subsidence is most likely being caused by erosion of soil into drainage pipes which have either been incorrectly installed or damaged.

Repairs are planned for the week of 6 July 2014 but funds are required to be allocated within the draft 2014/15 budget.

Background:

The Shire of York has constructed two (2) new artificial bowling greens and a new recreation centre in Forrest Street York, completed in the 2012/13 financial year. The construction was part of an overall strategic plan and project to consolidate Shire sporting facilities and clubs at a single venue.

As part of the construction works existing drainage on the site was diverted and various construction works were undertaken. The entire project for construction of the new recreation centre and all associated works was funded by a combination of grant funds and Shire rates. Works were carried out by a number of consultants and contractors over an extended period.

Specifically on, and in proximity to the bowling green site the following works are known to have taken place.

- Clearing and site preparation
- Installation of new deep drainage
- Refurbishment of existing drainage
- Bulk filling
- Retaining wall construction
- Installation of shallow (green) drainage
- Installation of artificial turf greens
- Installation of shade sails
- Installation of brick and other paving
- Installation of lighting
- Installation of underground services

In September 2013 subsidence occurred on the bowling greens. A temporary fix was installed to allow the bowls season to continue. In April 2014 further subsidence was identified in a different location.

The subsidence appears to be being caused by the erosion of sand fill around stormwater drainage at a depth of around 1.5 to 2.0 metres below bowling green playing surface.

An inspection with ground probing radar has been carried out.

A detailed technical report is attached at Appendix 1.

Consultation:

Consultation has occurred with

- Bowling Club
- Contractors involved in construction of drainage and greens
- Former Shire staff

Statutory Environment:

Not applicable

Policy Implications:

Not applicable

Financial Implications:

There will be an unbudgeted cost of \$26,000 to undertake repairs to the bowling greens as follows

Ground probing radar survey (contractor)	\$5,000
Survey costs (contractor)	\$1,500
Roll back artificial turf (contractor)	\$7,000
Excavate and repair drainage at 2 locations	\$5,000
Reinstate artificial greens	\$5,000
Contingency	\$2,500
Total	\$26,000

Funds have not been allocated for this work in the 2014/15 draft budget and it is proposed to reallocate funds of \$26,000 proposed for the construction of the Forrest Oval Boundary Fencing for the purpose of repairing the greens. This will reduce the funds available for car park construction and car park work may need to be staged over 2 years.

Strategic Implications:

Nil

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

The Bowling Club is an important community facility.

Environmental Implications:

Nil

Comment:

A detailed technical report is attached.

The cause of the cavities in the green is clearly the stormwater drainage installed underneath the greens at a depth of approximately 1.5 metres. The problem may be related to either improper installation of the drainage or damage after installation.

The subsurface radar mapping has confirmed that there are currently cavities at two locations and potential cavities at a further 3 locations. All 4 locations are immediately adjacent the stormwater drainage. The two cavities and two suspect locations are on the northern green.

It is proposed to lift the artificial turf on the northern green, physically probe the possible subsidence areas and then fix the two known cavities plus the other areas if they are cavities. The cost of repair could increase if the possible suspect areas are found to be cavities.

It is not proposed to lift or investigate the southern green at this time. There would be an additional cost of at least \$8,000 to lift and test the possible suspect area but it is not likely to imminently collapse and will become apparent within 6 months if there is a problem. It is intended to reinspect by radar mapping in 6 months.

The cavities need to be repaired else the bowling greens will be unplayable and a safety risk. Every effort has been made to identify all cavities. However it is not possible to visually inspect all the pipes under the ground and there are limitation on the radar mapping.

In addition to repairing the cavities the Shire might also construct a new drainage pipe deviation around the greens and pump the existing pipes full of concrete with a guesstimated additional cost of around \$80,000. Blocking the drains without providing an alternative drain will result in uncontrolled flooding of the area.

This incident highlights the risk of cost saving measures in major construction projects, need to allocate sufficient resources for supervision, need for accurate as constructed surveys and comprehensive practical completion inspections.

**RESOLUTION
010714****Moved: Cr Boyle****Seconded: Cr Wallace*****“That Council:***

- 1. Proceed with repairs to the bowling greens as soon as possible with an estimated cost of \$26,000***
- 2. Reallocate funds of \$26,000 from Account 113331 “Forrest Oval Boundary Fencing” to a new account “Bowling Green Repairs” in the draft 2014/15 budget.***

By Absolute Majority.”***CARRIED 6/0***

APPENDIX 1

SHIRE OF YORK WORKS DEPARTMENT

ENGINEERING REPORT ON BOWLING GREEN SUBSIDENCE

1. Summary

In September 2013 subsidence occurred on the bowling greens. A temporary fix was installed to allow the bowls season to continue. In April 2014 further subsidence was identified in a different location.

The subsidence appears to be being caused by the erosion of sand fill around stormwater drainage at a depth of around 1.5 to 2.0 metres below bowling green playing surface.

An inspection with ground probing radar is proposed, followed by repair of the problems.

2. Background

The Shire of York constructed two (2) new artificial bowling greens and a new recreation centre in Ulster Road York, completed in the 2012/13 financial year. The construction was part of an overall strategic plan and project to consolidate Shire sporting facilities and clubs at a single venue.

As part of the construction works existing drainage on the site was diverted and various construction works were undertaken. The entire project for construction of the new recreation centre and all associated works was funded by a combination of grant funds and Shire rates. Works were carried out by a number of consultants and contractors over an extended period.

Specifically on, and in proximity to the bowling green site the following works are known to have taken place.

- a. Clearing and site preparation
- b. Installation of new deep drainage
- c. Refurbishment of existing drainage
- d. Bulk filling
- e. Retaining wall construction
- f. Installation of shallow (green) drainage
- g. Installation of artificial turf greens
- h. Installation of shade sails
- i. Installation of brick and other paving
- j. Installation of lighting
- k. Installation of underground services

3. Incidents

First Incident (September 2013)

On or about 1 September 2013 members of the bowling club noticed a small subsidence in both green ditches on either side of the central median between the two greens. (see plan) In both locations the subsidence was in the order of 50mm deep, 300mm long and 100mm wide aligned parallel to the edge of the green. There were visible voids extending further under the limestone block edge of the green leading away from the green with indeterminate length.

On 23 September the Shire of York lifted paving in the median between the subsidence and excavated around the subsidence in the presence of Graham Lantzke (Works Manager) and Jeff Dennis (Green Planet Grass). Subsequently the site was inspected by the Bowling Club and Bush Contracting.

The excavation followed the surface holes at the base of the initial subsidence and there was a distinct void leading to depth. The excavation uncovered the concrete lid of a large manhole or soakwell at a depth of approximately 1.2 metres beneath the median between the two greens. Further probing around the lid found the sand fill around the sides of the manhole was very loose and uncompacted to a depth of at least 600mm below the lid of the manhole.

Further (deeper) excavation was not possible without shoring the sides and equipment currently unavailable with a high risk of the hole collapsing and damaging the adjoining greens.

The excavation was backfilled, temporary shoring was installed alongside the greens to prevent further erosion and it was planned to undertake remedial works after April 2014 when the bowling season was concluded.

Second Incident

On or about April 2014 the Bowling Club noticed further subsidence on the northern green in the north east corner. The artificial green was lifted in the presence of Graham Lantzke (Works Manager), Jeff Dennis (Green Planet Grass), Bowling Club representatives and Councillor Wallace.

A visible hole of approximate dimensions 300mm diameter was found in the base course under the artificial turf. Closer inspection revealed a larger cavity extending under the base course layer in all directions and an exposed black pipe at a depth of approximately 1000 mm below green level.

The green was cordoned off, a metal plate placed over the hole to support the artificial turf and the artificial turf replaced. This is not a fix for the problem and the green remains unplayable.

4. Physical findings

There are two observed locations where subsidence is occurring.

In both locations the surface subsidence is being caused by the erosion and/or compaction of fill material at a depth of about 1-1.5 metres below the surface of the green. In both locations there is a stormwater drainage pipe or pit immediately below or adjacent the erosion.

The erosion is occurring below the level of the base course and green drainage installed by Green Planet Grass. It is also below the level or away from the location of the installation of retaining walls, shade sails, lights and service trenches.

It is therefore most likely that the problem is being caused by the stormwater drainage at a depth of 1000 to 1500 mm below the bowling greens.

The precise cause of the problem has not been identified but might be a) improper compaction of the fill around the pipes subsiding over time; b) improper sealing of joints of the pipes during construction and erosion through the bad seals; c) damage, a failure of, or movement of the drainage pipes after their installation or d) some other as yet unidentified cause.

The possibility that subsequent contractors damaged the drainage after the drainage contract was completed has not been ruled out.

The exact nature of the problem will be apparent when the drainage pipes are uncovered.

The subsidence has now been identified at two locations which raises the risk that it is also occurring at other places but the problem has not yet reached the surface and is therefore unknown. That is there could be further as yet unidentified problems under the greens.

5. Existing and new drainage

The attached plan shows the original drainage, design for new drainage and new drainage.

There was existing drainage under the bowling green constructed in reinforced concrete and open channel. It was many years old.

The original design plans were to divert all drainage around the proposed bowling greens; and bury the existing drainage under the greens in place. In the event a combination of existing concrete drainage and new drainage (in reinforced plastic pipe) was used to convey drainage under the bowling greens.

The reason for the change in design is not documented. Anecdotally in discussions with former staff it was necessary to stay within budget and avoid unnecessary expense.

It is not unusual to have drainage or sewerage constructed under sporting facilities and buildings and it would not normally cause problems. It is not preferred practice. It is unusual to completely cover access points to the drainage system preventing routine maintenance activity or inspection.

6. Contractual findings

There were multiple contractors working on the site at various times. There were also various superintendents responsible for different aspects of the works.

The Principal for the project was the Shire of York.

The overall project manager was the Shire of York but this was also subcontracted for particular works.

In terms of contractors on site there were multiple site contractors and subcontractors to those contractors. The natures of the contracts ranged from multi million dollar building construction covered by detailed contract, through to minor works covered by purchase order. Many of the contractors were directly engaged by the Shire of York.

A useful way to term or think of this is that the Shire of York were the "Prime Contractor" with overall responsibility; but subcontracted the overwhelming majority of the works to various (sub) contractors.

On the bowling greens the following contractual arrangements have been identified

Works	Contractor	Superintendent
Site clearing and levelling	Shire of York	Shire of York
Stormwater drainage works	Initially Shire of York, Avon Concrete	Shire of York
Filling	Bush Contracting	Shire of York
Retaining Walls	TBA	Shire of York
Shade sails	TBA	Shire of York
Greens drainage (shallow), base course and artificial turf	Green Planet Grass	Shire of York
Lighting	TBA	Shire of York
Water, power and other services	TBA	Shire of York
Paving around Greens	Green Planet Grass	Shire of York

All of the works are outside of defects liability period at this point in time.

Anecdotally (confirmed by 3 sources) the drainage construction was originally commenced by the Shire of York works crew but subsequently contracted to Avon Concrete. Some of the drainage was pre existing. Anecdotally (confirmed by 2 sources) the drainage pipes installed by Avon Concrete are known to have been damaged by other contractors and repaired after their initial installation on at least one occasion.

7. Actions previously taken

Some as constructed records have been found but these are not comprehensive or sufficiently accurate to locate all drainage under the greens.

The north green is currently not playable and needs to be fixed before the next bowls season.

The south green remains playable.

8. Proposed actions

The two known problems can be rectified by a) rolling back the greens and removing paving; b) excavating; c) finding the problem in the drainage and sealing it, d) backfilling; e) reconstructing the green base course, and f) recovering with the artificial turf. This is a significant exercise with risks and costs. It will need to be done by hand.

Problematically there may be other locations along the drainage lines where this is also a problem but it is not yet noticeable at the surface.

It is therefore proposed to

1. Ground radar the site for pipes and cavities
2. Use a camera to inspect the drainage pipes and identify what can be identified from inside the pipe;
3. Roll the greens back where there is a suspected drainage problem and physically probe to confirm;
4. Concurrently have the drainage surveyed properly;
5. Concurrently fix the two known problems and any further problems found;
6. Bring the drainage access chamber between the two greens to just below paving level; and
7. Reinstall the greens after.

Fixing the problem will involve identifying the cause (presumed to be an unsealed drainage pipe joint or pipe damage), fixing that problem, then replacing and compacting the backfill, then reinstating the Green or paving and any Green drainage.

The cost of this work is likely to be in the order of \$10,000-\$15,000 assuming there are only the two problem areas.

9. Timetable

Radar probing and camera work will be completed next week commencing 23 June 2014

Repairs will be tentatively programmed for the week following and should be completed, including reinstatements, within 3 days.

10. Alternate Actions

There have been various suggestions considered and discarded as follows

- Line the drainage pipes from the inside – idea discarded – this will not fix any existing subsidence even if it is possible to line the pipes in this manner;
- Fill the drains solid with concrete and reconstruct the drainage around the outside of the greens – discarded- this will not fix any existing subsidence and the estimated price would be around \$80,000 in addition to the cost of repairing the subsidence;
- Not touch the South Green – this idea has merit and is a risk management issue - the South Green has not exhibited any problems and the drainage under it is almost entirely the original reinforced concrete. However while we have the equipment, contractors and resources on site it is proposed to roll back the green and test that there are no problems.

11. Pursuit of damages claim

This has not been discussed with solicitors at this time. In order to achieve a successful damages claim the following would need to be established

- Who did the works;
- That a specification of the works was provided and agreed to;
- If no specification was agreed determine what would constitute “fit for purpose” as a default specification;
- That the contractor failed, by their own action or decision, to follow the specification in a meaningful way;
- That as a result the work is not fit for purpose;
- That the works were not subsequently damaged by others;

- That any specified defects liability period specified is no longer valid;
- That the Shire as prime contractor, superintendent and principal does not have some shared culpability.

This would be a very difficult chain of accountability to establish in a legal sense.

12. Closure

Unless otherwise instructed I am proceeding with the works identified above.

**Graham Lantzke
Works Manager
Shire of York**

16 June 2014

10. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 4.55pm