



## **QUESTION AND ANSWERS**

**15 December 2008**

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**Q.1. What is the problem?**

- A. The Whakatane District Aquatic Centre has errors of design that have caused damage within the wall and roof cavities. Other than the staining of acoustic ceiling tiles there is no evidence from casual observation that the problem exists.

There are numerous aspects of the current design that are allowing surface water to penetrate into areas which should be kept dry. However the main issues affecting the Centre is the lack of an effective vapour barrier to prevent water vapour reaching the roof.

The environment within Whakatane District Aquatic Centre is hot and humid due to the high air temperature (which is normal in an indoor pool situation) and large volumes of water contained within the building. Water evaporates from the pools where it remains suspended within the air until a drop in temperature causes the water vapour to condense on the underside of the roof steel. The underside of the roof steel and building paper are generally wet. Some areas of building paper are saturated and extensive mould is growing on the building paper. Water is flowing back through the insulation and wetting the roof structure.

The durability of the roof structure is significantly compromised and a mould hazard is developing. The walls have the same problem as the roof. Water and mould growth is evident within the wall voids.

The following items are essential to achieve acceptable performance from the building:

- A continuous air and vapour barrier correctly located in the walls and roof
- Correctly sized and located insulation
- Correct window design for the application
- Correct detailing to walls to prevent water entry
- Improvements to air conditioning equipment
- Removal and replacement of damaged building paper and other materials

The installation of an effective vapour control layer together with additional insulation will contain the moist air within the pool area where it can be controlled by an improved air conditioning system.

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**Q.2. Is the building safe now?**

- A. Structural elements of the building have been visually inspected on several occasions and based on this there is no evidence that the building is unsafe for users.

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**Q.3. What does this mean for pool users?**

- A. Due to the substantial scope of the repair works required, the Whakatane District Aquatic Centre, including the gymnasium, will need to be closed for six to seven months to undertake the repair project.



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## Q.4. What will it cost to fix?

- A. The total cost of the project has been estimated at \$4.2 million.

Approximately \$3.2 million for the repair works, and a further \$1.1 million for arbitration costs, interest on bridging finance required to commence work prior to recovery of cost and buyout of the pool operator, Total Leisure Concepts (TLC). Although we are comfortable with the estimates provided the cost for the remediation will only become known once the competitive tendering process has been completed.

It has always been Council's intention to seek full cost recovery from the Architect including cost of arbitration (with the exception of approximately \$150,000 which may not be recoverable), interest and cost to pay out the operations contractor.

There are anticipated savings of approximately \$150,000 operational costs for the six/ seven months the centre is closed.

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## Q.5. Who is responsible?

- A. It is believed that the problems are mainly due to errors in design by the architect, Andrews Scott Cotton Architects Ltd ("ASC").

Whakatane District Council began an arbitration process with ASC in 2006 regarding the problems at the Whakatane Aquatic Centre. The arbitration was put on hold to allow the Council to complete the design of the repair works and establish the likely cost of repairs. The design is now complete and the project cost estimate is known.

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## Q.6. What are the risks if the Whakatane District Council doesn't recover full costs from the architect?

- A. The Whakatane District Council believes it has a strong claim against the architect however, with legal proceedings there is always a risk.

The worst case scenarios, is that the Whakatane District Council is unable to recover the full repair project cost. This would mean that a loan would be raised for the unrecovered amount. The loan would be taken out over a 25 year period and would be paid for by way of general rate (that is all ratepayers in the district, albeit on a sliding scale for the rural areas).

The Whakatane District Council believes it has been let down by the architect and we will do everything in our power to recover the money needed to rectify the faults and provide the District with an Aquatic Centre of which we can be proud.

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## Q.7. How did the Whakatane District Aquatic Centre get a consent if the design was flawed?

- A. The plans and specifications originally submitted for the Aquatic Centre indicated that if the building was constructed in accordance with the design, the provisions of the building code could be satisfied.

The design complied with the New Zealand Building Code although, as we now know, the building design was not "Best Practice" for an aquatic centre.



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**Q.8. Why then have there been problems with the building?**

- A. The building consent process is designed to ensure the design complies with the New Zealand Building Code: it is not a quality assurance process.

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**Q.9 What has changed to assure the public that this will not happen again?**

- A. The Building Act 2004 introduced measures that have included licensing of architects and trades people which will raise the quality of design, construction and site supervision. Local authorities have also been required to become accredited against a quality standard. This has resulted in much more stringent requirements around the content and quality of the plans and specifications that make up a building consent application. As a consequence of improved documentation, construction challenges are more easily identified and managed or the design is altered to make the design outcomes achievable in practice.

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**Q.10. Why did the Whakatane District Council wait until now to do the repair works?**

- A. Initially it was the Whakatane District Council's intention to finalise arbitration before commencing Repair works.

Changes to the Building Act mean, that the building must be repaired before 31 March 2010 or the centre may need to close to the public.

Due to the significance of this repair project, the Council must undertake consultation through the special consultation process Long Term Council Community Plan (LTCCP); the first opportunity to do this is through the consultation on the 2009/2019 LTCCP which occurs from March – May 2009.

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**Q.11. Why the July 2009 start date for the Repair works?**

- A. There is no perfect time to close the centre, so Council set about trying to identify the time that will cause the least impact to the business. Based on the pool usage and the impact a closure has on the operator July – January was identified as the most suitable closure period. However, this date is subject to the outcome of consultation through the LTCCP process.

The works will be scheduled to ensure that the outdoor pool can open to the public earlier. Council will target November for the opening of the outdoor pool.

There will need to be temporary amenities positioned outside, as it will not be safe for people to enter inside the complex.

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**Q.12. Will the air temperature and humidity in the complex be reduced once the Repairs are made?**

- A. The air temperature needs to be close to or higher than the pool temperature to prevent excessive evaporation from the pool. This in turn will reduce the relative humidity of the air and, together with the air handling equipments; vapour barrier and additional insulation, will reduce the amount of condensation.

The actual air temperature will therefore increase however the reduction in the relative humidity will result in a more comfortable environment.



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**Q.13. Why did Council enter into a operational contract that results in a buy out when they knew there was Repair work to be done?**

A. While it was understood that there were some defects with the building, the significance of the repair work was not known at the time the building was completed and the contract was entered into.

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**Q.14. Will the rates of people within the Whakatane District go down due to the pool being closed for six-seven months?**

A. There will be a small reduction in rates in the 2009/2010 rating bill; this is due to the reduction of operation costs for the six month period.

However, some costs remain even though the pool is closed, such as loan repayments, insurance etc.

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**Q.15. What is being done to inform pool users of the impending closure?**

A. The Whakatane District Council has been keeping TLC management (the pool operator) informed of the project.

The Whakatane District Council is also meeting with representatives of clubs and organisations that make up the key pool users, and the group that assisted with original fundraising for the centre.

The Council has met with media to ensure that they are fully briefed on the situation, and can pass that message onto the community

There will be two open days at the pools in mid January to inform any interested party of the detail of the defects. Pamphlets have been prepared to assist with the communication.

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**Q.16. What will be the impact to pool users who hold current season passes and concession tickets?**

A. A refund for any unused portion of season passes or concession ticket will be refunded for both the pool and the gym.

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**The Council is attempting to keep all interested parties informed, please contact Barbara Dempsey on 07 306 0572 if you would like more information or would like us to attend your club or organisation meeting to explain the project.**

**A formal opportunity to have your say on this issue will be available through the Long Term Council Community Plan process. The submission period will be from March – May 2009.**

**Whakatane District Council  
Civic Centre, Commerce Street, Whakatane  
Private Bag 1002, Whakatane, New Zealand  
Telephone: (07) 306 0500 After Hours: 07 306 0500 Facsimile: (07) 307 0718**