

# COUNCIL MEETING

## MINUTES



(Open to the public)

**Monday 7 February 2022**

Online - Delivered via Webex Events.

**Commencement** 7.02pm

**Attendance**  
Councillor Jane Addis (Mayor)  
Councillor Jim Parke  
Councillor Felicity Sinfield  
Councillor Wes Gault  
Councillor Di Gillies  
Councillor Lisa Hollingsworth  
Councillor Cynthia Watson  
Councillor Susan Biggar  
Councillor Garry Thompson  
Councillor Nick Stavrou

**Apologies** Councillor Victor Franco (due to illness)

**Officers**

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Carolyn McClean	Director Community Support
Mans Bassi	Director Customer and Transformation
Amy Montalti	Chief Financial Officer
David Cowan	Acting Director Urban Living
Adele Thyer	Acting Manager Governance and Legal
Jarrold Filosa	Coordinator Building Projects
Christine White	Manager Capital Projects
Kirstin Ritchie	Coordinator Governance
Helen Pavlidis	Senior Governance Officer
Elizabeth Manou	Senior Governance Officer

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## **2. Declaration of conflict of interest of any councillor or council officer**

Nil

## **3. Presentation of officer reports**

### **3.1 Contract No. 2021/187, North Balwyn Tennis Club Pavilion - Construction and Rectification Works**

#### Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2021/187, North Balwyn Tennis Club pavilion rectification works.

#### Background

The North Balwyn Tennis Club pavilion underwent major refurbishment works in 2016. In the years following construction, Council was notified of issues by the tennis club of excessive moisture within the building, with a further increase in mould formation over the COVID19 lockdown periods due to reduced ventilation associated with closure of the building for almost 2 years. Since this initial report of issues in the building, Council has worked closely with the tennis club, various specialist consultants and contractors, and the original building designer and contractor, to investigate and resolve the issues.

The main cause of moisture has been assessed independently as a combination of architectural design and construction practices.

Following a period of inactivity, the building was deemed unsuitable for use by the tennis club in July 2020 due to excessive moisture and mould. To support the North Balwyn Tennis Club members' ongoing use of the courts and club activity, Council has provided temporary accommodation facilities.

A new lead consultant has independently reviewed all previous reports and documented a new scope of works to rectify the existing damage and address the building deficiencies to ensure that no further issues emerge.

Tenders have been invited and evaluated, and a recommendation to award Contract No. 2021/187, North Balwyn Tennis Club pavilion rectification works, is presented for Council's consideration. The works are expected to commence during February 2022 and be completed by mid-April 2022.

The total cost of this contract is \$542,235 (excluding GST). Council has not approved funding to undertake these works in the 2021/22 Budget.

#### Key Issues

Council, under guidance from its legal advisors, will seek reimbursement of all expenditure associated with this project, including works, consultant fees, disbursements and temporary accommodation costs for the North Balwyn Tennis Club from the parties responsible, through appropriate legal processes.

#### Next Steps

Upon award of the contract, Council will oversee the delivery of the rectification works. Officers will also continue working with Council's legal advisors to pursue reimbursement of costs via appropriate legal proceedings.

Confidential information is contained in **Attachments 1 and 2**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66 (2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020 as the information relates to private commercial information, being information provided by a business or commercial undertaking that if released, would unreasonably expose the business or commercial undertaking to disadvantage.

This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

## **MOTION**

**Moved Councillor Watson**

**Seconded Councillor Sinfield**

**That Council resolve:**

- 1. To award Contract No. 2021/187, North Balwyn Tennis Club pavilion rectification works to Stokes Rousseau Pty Ltd (ACN 119 165 623); for a total cost of \$596,459 (including GST). The cost to Council after the return of the GST Tax Input Credits is \$542,235.**
- 2. To approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works**
- 3. To authorise the Director Places and Spaces to execute the contract agreements with the above contractor.**
- 4. To note that expenditure under this contract has not been included in Council's 2021/22 adopted budget, and that Council intends to recoup costs via appropriate legal action.**

**CARRIED**

**The meeting concluded at 7.16pm**

**Confirmed**

**Chairperson** \_\_\_\_\_

**Date** \_\_\_\_\_