



*Dedicated to a better Brisbane*

# ESTABLISHMENT AND COORDINATION COMMITTEE REPORT

MEETING HELD ON MONDAY 19 AUGUST 2024  
TO BE PRESENTED TO COUNCIL ON TUESDAY 27 AUGUST 2024

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## ATTENDANCE:

The Right Honourable, the Lord Mayor (Councillor Adrian Schrinner) (Chair); Deputy Mayor (Councillor Krista Adams) (Deputy Chair); and Councillors Adam Allan, Fiona Cunningham, Tracy Davis, Vicki Howard, Sarah Hutton, Ryan Murphy and Andrew Wines.

### **A CONTRACTS AND TENDERING – REPORT OF CONTRACTS ACCEPTED BY DELEGATES OF COUNCIL FOR JULY 2024** **109/695/586/2-006**

1. The A/Chief Executive Officer provided the information below.
2. Sections 238 and 239 of the *City of Brisbane Act 2010* (the Act) provide that Council may delegate some of its powers. Those powers include the power to enter into contracts under section 242 of the Act.
3. Council has previously delegated powers to the Establishment and Coordination Committee and Chief Executive Officer, to make, vary or discharge contracts for the procurement of goods, services or works.
4. The *City of Brisbane Regulation 2012* (the Regulation) was made pursuant to the Act. Chapter 6, Part 4, section 227 of the Regulation provides that:
  1. Council must, as soon as practicable after entering into a contract worth \$200,000 or more (exclusive of GST), publish relevant details of the contract on Council's website.
  2. The relevant details must be published under subsection (1) for a period of at least 12 months.
  3. Also, if a person asks Council to give relevant details of a contract, Council must allow the person to inspect the relevant details at Council's public office. 'Relevant details' is defined in Chapter 6, Part 4, section 227 as including:
    - a. the person with whom Council has entered into the contract
    - b. the value of the contract
    - c. the purpose of the contract (e.g. the particular goods or services to be supplied under the contract).
5. The contracts detailed in Attachment A (hereunder) represent contractual arrangements that Council has already entered into. The purpose of this report is not to consider making decisions about the contracts, rather for transparency of the decisions made on contracts entered into with a value greater than the threshold.
6. The A/Chief Executive Officer provided the following recommendation and the Committee agreed.

## 7. RECOMMENDATION:

THAT COUNCIL NOTES THE REPORT OF CONTRACTS ACCEPTED BY DELEGATES OF COUNCIL FOR JULY 2024, AS SET OUT IN ATTACHMENT A, hereunder.

Attachment A

Report of Contracts Accepted by Delegates of Council for July 2024				
Contract number/contract purpose/successful tenderer/comparative tender/price value for money (VFM) index achieved	Nature of arrangement/ estimate maximum expenditure	Unsuccessful tenderers/VFM achieved	Comparative tender price/s	Delegate/ approval date/start date/term
<b>BRISBANE INFRASTRUCTURE</b>				
<b>1. Contract No. 534024</b>  <b>RETAINING WALL AT FOREST LAKE RUGBY UNION (FOREST LAKE)</b>  <b>ProBuild Industries Australia Pty Ltd – \$545,390</b> Achieved the highest VFM of 165.02	Lump sum  <b>\$545,390</b>	Building Solutions Brisbane Pty Ltd Achieved VFM of 80.00  Signature Projects Pty Ltd Achieved VFM of 67.92	\$1,125,000  \$1,240,500	<b>Delegate</b> Chief Procurement Officer <b>Approved</b> 03.07.2024 <b>Start</b> 09.07.2024 <b>Term</b> 16 weeks
<b>2. Contract No. 534037</b>  <b>DEMOLITION VOLUNTARY HOME BUY-BACK PACKAGE 24</b>  <b>Paterson Demolition &amp; Recycling (Brisbane) Pty Ltd as trustee for Paterson Demolition &amp; Recycling Trust – \$508,290</b> Achieved the highest VFM of 14.85	Lump sum  <b>\$508,290</b>	W J & M Allendorf trading as WMA Demolition Achieved VFM of 14.25  Logan City Demolitions Pty Ltd Achieved VFM of 13.69	\$551,264  \$516,170	<b>Delegate</b> Executive General Manager, City Projects Office <b>Approved</b> 15.07.2024 <b>Start</b> 16.07.2024 <b>Term</b> 11 weeks
<b>3. Contract No. 534133</b>  <b>EMPOWERING BRISBANE’S AQUATIC CENTRES – PACKAGE 1</b>  <b>QA Electrical (QLD) Pty Ltd – \$2,069,784</b> Achieved the highest VFM of 43.48	Lump sum  <b>\$2,069,784</b>	Palento Pty Ltd trading as Korlec Achieved VFM of 21.45	\$3,309,282	<b>Delegate</b> Chief Procurement Officer <b>Approved</b> 03.07.2024 <b>Start</b> 09.07.2024 <b>Term</b> 26 weeks
<b>CITY ADMINISTRATION AND GOVERNANCE</b>				
Nil				
<b>CITY PLANNING AND SUSTAINABILITY</b>				
Nil				
<b>LIFESTYLE AND COMMUNITY SERVICES</b>				
<b>4. Contract No. 512280</b>  <b>LIBRARY AND PC BOOKING AND PAYMENT SYSTEM</b>  <b>EnvisionWare Pty Ltd – \$312,804</b> Achieved the highest VFM of 22	Lump sum and schedule of rates  <b>\$312,804</b>	<u>Offer not recommended</u>  Monitor Business Machines Pty. Ltd. Achieved VFM of 19  <u>Non-conforming offer</u>  Codify Pty Ltd	\$361,336  N/A	<b>Delegate</b> Divisional Manager, Lifestyle and Community Services <b>Approved</b> 24.06.2024 <b>Start</b> 26.06.2024 <b>Term</b> Initial term of three years with a maximum term of five years

Report of Contracts Accepted by Delegates of Council for July 2024				
Contract number/contract purpose/successful tenderer/comparative tender/price value for money (VFM) index achieved	Nature of arrangement/ estimate maximum expenditure	Unsuccessful tenderers/VFM achieved	Comparative tender price/s	Delegate/ approval date/start date/term
<b>ORGANISATIONAL SERVICES</b>				
<b>5. Contract No. 510995</b>  <b>SUPPLY AND DELIVERY OF PASSENGER AND LIGHT COMMERCIAL VEHICLES</b>  <b>AP Eagers Limited</b>  <b>Stones Corner Motors Pty. Ltd. trading as Keema Automotive Group</b>	Corporate Procurement Arrangement (CPA) (Panel Arrangement)  Schedule of rates  <b>\$1,880,000</b>	Arrangement entered into under Exemption 9 of Council's <i>SP103 Procurement Policy and Plan 2023 24</i> , which allows for extension of contracts while Council is at market.	N/A	<b>Delegate</b> Chief Procurement Officer <b>Approved</b> 27.06.2024 <b>Start</b> 01.07.2024 <b>Term</b> Two months
<b>6. Contract No. 512177</b>  <b>ROAD PAVEMENT MARKING SERVICES</b>  <b>Schramm Group Pty Ltd – \$679,329</b> Achieved the highest VFM of 108  <b>GP Lines Pty Ltd trading as Austroad Linemarking – \$766,775</b> Achieved VFM of 103  <b>Shannon Tower Pty. Ltd. trading as Brick N Pave – \$735,994</b> Achieved VFM of 102  <b>Dingo Road Services Pty Ltd – \$808,236</b> Achieved VFM of 101  <b>Angle Linemarking (QLD) Pty Ltd – \$861,928</b> Achieved VFM of 98 <sup>#</sup>  <b>Global Road Maintenance Systems Pty Ltd – \$912,753</b> Achieved VFM of 95  <b>Gumbay Holdings Pty Ltd trading as Avante Linemarking – \$839,632</b> Achieved VFM of 95  <b>Designer Pave Pty. Ltd. – \$886,770</b> Achieved VFM of 94  <i>#Part offer, VFM score normalised via average pricing.</i>	CPA (Panel Arrangement)  Schedule of rates  <b>\$60,000,000</b>	Workforce Road Services Qld Pty. Ltd. Achieved VFM of 89  OmniGrip Direct Pty. Ltd. Achieved VFM of 74 <sup>#</sup>  Allstate Linemarking Services Pty Ltd Achieved VFM of 61  Bespoke Road Services Pty Ltd Achieved VFM of 61	\$792,376  \$891,775  \$1,204,775  \$1,168,713	<b>Delegate</b> CEO <b>Approved</b> 22.07.2024 <b>Start</b> 01.08.2024 <b>Term</b> Initial term of three years with a maximum term of seven years
<b>TRANSPORT FOR BRISBANE</b>				
Nil				

**B ANNUAL OPERATIONAL PLAN PROGRESS AND QUARTERLY FINANCIAL REPORT FOR THE YEAR ENDED JUNE 2024**  
**134/695/317/1412**

8. The Divisional Manager, Organisational Services, provided the information below.
9. Sections 196(2) and (3) of the *City of Brisbane Regulation 2012* (the Regulation) state that the Chief Executive Officer (CEO) must present financial reports to Council at least quarterly. The reports are to state the progress that has been made in relation to Council's budget.

10. Section 166(3) of the Regulation states that the CEO must present a written assessment of Council's progress towards implementing the Annual Operational Plan to Council at regular intervals of not more than three months.
11. The Annual Operational Plan Progress and Quarterly Financial Report June 2024 (refer Attachment B, submitted on file) includes:
  - Section 1 – Quarterly Financial Report
  - Section 2 – Annual Operational Plan Progress Report
  - Section 3 – Commercialised Businesses.
12. The previous financial report for the period ended 29 March 2024 was presented to Council on 28 May 2024. The current report relates to the period ended 30 June 2024.
13. The Divisional Manager provided the following recommendation and the Committee agreed.
14. **RECOMMENDATION:**

**THAT COUNCIL RESOLVE AS PER THE DRAFT RESOLUTION SET OUT IN ATTACHMENT A, hereunder.**

**Attachment A**  
**Draft Resolution**

**DRAFT RESOLUTION TO ADOPT THE ANNUAL OPERATIONAL PLAN PROGRESS AND QUARTERLY FINANCIAL REPORT FOR THE YEAR ENDED JUNE 2024**

As:

- (i) sections 196(2) and (3) of the *City of Brisbane Regulation 2012* require that the Chief Executive Officer (CEO) present financial reports to Council at least quarterly
- (ii) section 166(3) of the *City of Brisbane Regulation 2012* states that the CEO must present a written assessment of Council's progress towards implementing the Annual Operational Plan to Council at regular intervals of not more than three months,

then:

- (i) Council directs that the Annual Operational Plan Progress and Quarterly Financial Report for the year ended June 2024, as set out in Attachment B (submitted on file), be noted.

**C UPDATE TO DELEGATIONS FOR THE ENVIRONMENTAL PROTECTION ACT 1994**  
**137/105/219/199**

15. The Divisional Manager, Lifestyle and Community Services, provided the information below.
16. Since 2022, Queensland Government's Department of Environment, Science and Innovation (DESI) has been reviewing Queensland's environmental protection legislation, the *Environmental Protection Act 1994* (the Act) with a view to improve the regulators' ability to

investigate, respond to and carry out appropriate enforcement action. In April 2023, the Queensland Government passed the first tranche of changes under the *Environmental Protection and Other Legislation Amendment Act 2023*. Further, in June 2024, the Queensland Government passed the second tranche of changes as the *Environmental Protection (Powers and Penalties) and Other Legislation Amendment Act 2024* (the EPOLA Act).

17. The EPOLA Act amends the Act to, amongst other amendments, consolidate the types of statutory notices that can be issued in response to pollution and environmental nuisance matters. The provisions commenced on 18 June 2024. As a result of these changes, Council, as co-regulator with devolved regulatory responsibilities under the Act, is required to update its relevant delegations to enable Council to continue to exercise its responsibilities as the administering authority.
18. This proposal for the delegation of powers is to affect an administrative change to legislation (Attachment B, submitted on file), there is no expansion of existing powers for local government under the amended Act.
19. The Divisional Manager provided the following recommendation and the Committee agreed.
20. **RECOMMENDATION:**

**THAT COUNCIL RESOLVE IN ACCORDANCE WITH THE DRAFT RESOLUTION SET OUT IN ATTACHMENT A, hereunder.**

**Attachment A**  
**Draft Resolution**

**DRAFT RESOLUTION TO DELEGATE POWERS UNDER THE *ENVIRONMENTAL PROTECTION ACT 1994***

As Council:

- (i) has been devolved the administration and enforcement of certain matters under the *Environmental Protection Act 1994* (the Act) and, with respect to these devolved matters, is the administering authority
- (ii) has been delegated certain powers of the Chief Executive of the Queensland Government Department of Environment, Science and Innovation as an administering authority under the Act
- (iii) is required to exercise such powers as an administering authority under the Act, the provisions in respect of which were recently amended by the Queensland Government

then Council:

resolves to delegate, pursuant to section 518(1)(b) of the Act, certain powers under the Act specified in column 1 of the Table of Delegations to each delegate specified in column 2 subject to the notes or limitations set out in column 3 of the Table of Delegations and on the general conditions of delegations as set out in Attachment B (submitted on file).

**D RESIGNATION OF TRUSTEESHIP – 55 AND 65 FERRY STREET, SHERWOOD  
161/20/439/585**

21. The Divisional Manager, City Planning and Sustainability, provided the information below.
22. Located at 55 and 65 Ferry Street, Sherwood, Cactoblastis Corner (the Reserve land) was formerly part of land owned by the Queensland Government as the Alan Fletcher Research Station. Following the closure of the Alan Fletcher Research Station, the Queensland Government sold the site, and the land, now forming the Reserve land, was dedicated to Council as Reserves for Park and Drainage purposes when the site was reconfigured for residential purposes. The Reserve land is owned by the State of Queensland with Council as Trustee of the land under the *Land Act 1994*.
23. The Reserve land comprises the following:
  - 55 Ferry Street, Sherwood, described as Lot 91 on SP277589, and having an area of 406 square metres. Council holds this land as trustee for a Reserve for Drainage purposes. The area is shown in green at Attachment B (submitted on file).
  - 65 Ferry Street, Sherwood, described as Lot 90 on SP277589, and having an area of 4,450 square metres. Council holds this land as trustee for a Reserve for Park purposes. The area is shown outlined yellow at Attachment B.
24. The Reserve land is situated on the eastern riverbank of the Brisbane River. It is approximately 160 metres in length in the north-south direction and 30 metres in width in the east-west direction.
25. In February 2022, many areas along the Australian east coast, including Brisbane, experienced a severe weather event (the weather event) resulting in inundation of homes, businesses, roads, footpaths, bikeways, parks, and other civil and civic infrastructure.
26. The weather event resulted in the inundation of the majority of the Reserve land. Following the weather event, a large landslip approximately 290 metres in length was found to have affected the entire north-south length of the Reserve land, as well as adjacent land.
27. Immediately following the weather event, Council completed essential make-safe and assessment works, which occurred between March to June 2022. Council has been actively monitoring the site since the weather event to date, revealing no further movement of the site or external indication of instability.
28. Council subsequently completed a comprehensive geotechnical assessment for the landslip which occurred at the Reserve land, comprising of an assessment of the landslip causes and remediation options for the site. The key findings from the geotechnical investigation were that the landslip was caused by:
  - the presence of a previously unidentified, ancient landslip at the site, which pre-conditioned the site for subsequent failure
  - ongoing riverbank scour of the landslip toe, which would have brought the slope closer to failure
  - high water and groundwater levels associated with the weather event, and subsequent rapid reduction in water levels leading to development of a rapid drawdown condition or high pore pressures.
29. There was no evidence to suggest that the landslip was caused by the presence of any Council assets, the existing sewer main or the adjacent residential development at 27 Arbour Street, Sherwood.

30. It was determined that the 2022 landslip at the Reserve land could not have been prevented with the knowledge available to Council at the time. The inherited, ancient landslip could only have been identified if extensive geomorphological studies and site investigations had been carried out prior to the weather event. Typically, studies of this nature would not be conducted without reason.
31. The geotechnical assessment has recommended the site remains closed to the public until such time that the site is stabilised to an appropriate level of safety.
32. The Reserve Land Corner is classified as a local access/recreation corridor park and, in this instance, its primary function is to protect and enhance riparian corridor habitat, which aligns with the Sherwood-Graceville District neighbourhood plan. The recreational value of this park to the overall park network is extremely limited and it is located very close to Sherwood Arboretum, which provides substantial and accessible recreation opportunities.
33. Given the scale, complexity and level of investment required, it is recommended that Council gives notice of resignation to the Minister for Resources and Critical Minerals (the Minister) as the responsible Minister under the Land Act to resign trusteeship of the Reserve land. Upon resignation of the trusteeship of the Reserve land, the Minister will determine if the Reserves are to be revoked or if a new trustee is to be appointed. Council's resignation as trustee will take effect the day that is one year after the notice of resignation, unless an earlier date is agreed by the Minister.
34. The Divisional Manager provided the following recommendation and the Committee agreed.
35. **RECOMMENDATION:**

**THAT COUNCIL RESOLVE AS PER THE DRAFT RESOLUTION SET OUT IN ATTACHMENT A, hereunder.**

**Attachment A**  
**Draft Resolution**

**DRAFT RESOLUTION TO RESIGN TRUSTEESHIP OF A RESERVE FOR PARK AND DRAINAGE PURPOSES, ON LAND KNOWN AS CACTOBLASTIS CORNER, LOCATED AT 55 AND 65 FERRY STREET, SHERWOOD**

As:

- (i) Council holds land at 55 and 65 Ferry Street, Sherwood, as trustee of a Reserve for drainage and park purposes respectively
- (ii) at the time Council was appointed trusteeship of the Reserve land there was an ancient landslip, that could only have been identified if extensive geomorphological studies and site investigations had been carried out prior to the February 2022 severe weather event and not typically be conducted without reason
- (iii) the February 2022 severe weather event caused a landslip at the site, rendering the land unusable for park and drainage purposes



then:

- (i) Council resolves to resign trusteeship of the Reserve land held for drainage purposes, situated at 55 Ferry Street, Sherwood, described as Lot 91 on SP277589, shown in green at Attachment B (submitted on file), as well as resign trusteeship of the Reserve land held for park purposes, situated at 65 Ferry Street, Sherwood, described as Lot 90 on SP277589, shown outlined yellow at Attachment B.

*End.*