

10 March 2025

At 2.00 pm

**Corporate, Finance, Properties and
Tenders Committee**

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Investments Held as at 28 February 2025**
- 4. Public Exhibition - Naming Proposal - Daranggara Park, Camperdown**
- 5. Public Exhibition - Naming Proposal - Ngana Gili Plaza, Sydney**
- 6. Public Exhibition - Naming Proposal - Wiriyagan Place, Alexandria**
- 7. Tender - T-2024-1314 - Mobile Planter Display Program**
- 8. Exemption from Tender - Management and Operation of the City of Sydney Creative Studios - Brand X Productions**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Corporate, Finance, Properties and Tenders Committee are submitted for confirmation:

Meeting of 10 February 2025

Item 2.**Statement of Ethical Obligations**

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Investments Held as at 28 February 2025

Document to Follow

Item 4.

Public Exhibition – Naming Proposal – Daranggara Park, Camperdown

File No: X099880

Summary

A small park was established at 19-25 Lyons Road, Camperdown in 2012 (bounded by Lyons Road, Lambert and Purkis streets) and requires naming.

Indigenous consultancy Murawin was engaged to research naming options and suggested “Daranggara Park”. Daranggara (pronounced durran-garrah) is the word for cabbage tree palm in the local Gadigal language. This name references planting currently in the park and endemic to the area.

The City of Sydney is committed to recognising Aboriginal and Torres Strait Islander cultural heritage and history in the public domain. Principle 4 of the City of Sydney naming policy states that new names using local Aboriginal language are encouraged, especially for parks and open spaces, and shall be in the local Gadigal language.

This report recommends that, subject to community consultation, Council provide in-principle approval to name this park: “Daranggara Park”.

The proposed name complies with the City of Sydney naming policy.

Recommendation

It is resolved that:

- (A) Council provide in-principle approval to name the park "Daranggara Park" and that the name be placed on public exhibition for community comment for a minimum period of 28 days; and
- (B) note that a further report will be submitted to Council, detailing the results of the public consultation process.

Attachments

Attachment A. Map Showing Location of the Park

Background

1. A small park was established in 2012, at 19-25 Lyons Road, Camperdown (bounded by Lyons Road, Lambert and Purkis streets) and requires naming.
2. The park has been recently redesigned, with advice from Indigenous consultancy, Murawin, to include native plantings, a playground, a fitness area and multiple seating areas.
3. Indigenous consultancy, Murawin, was engaged by Jane Irwin Landscape Architecture on behalf of the City to research naming options.
4. Murawin suggested 4 possible names and “Daranggara” was selected by the Naming Proposal Working Group.
5. “Daranggara” is the word for cabbage tree palm in the Gadigal language. This name references these hardy, resilient plants that are planted currently in the park and endemic to the area.
6. In the naming justification Murawin wrote: “These plantings help us Connect with this Country.”
7. The word “Daranggara” is from the local Gadigal language, documented in Jakelin Troy’s book *The Sydney Language*.
8. The proposed name complies with the City of Sydney naming policy. Specifically:
 - Principle 2: Uniqueness - duplication is avoided with other existing names in a 10-kilometre radius.
 - Principle 3: This name acknowledges the multicultural nature of our society. Inclusiveness and addressing the imbalance of previous approaches are significant priorities for new names.
 - Principle 4: New names using local Aboriginal language are encouraged, especially for parks and open spaces, and shall be in the local Gadigal language.
 - Principle 6: Local or Cultural Relevance - the name has local relevance, reflecting the heritage and history of the local landscape and its plants.
9. On 13 November 2024 the name was presented to the City’s Aboriginal and Torres Strait Islander Advisory Panel and they were supportive of the name.
10. On 15 November 2024 the name was approved by the Metropolitan Local Aboriginal Land Council.
11. Naming this park is important for wayfinding and access for emergency vehicles.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

12. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
- (a) Direction 1 - Responsible governance and stewardship - formally naming the park will ensure its gazettal and recognition with the NSW Geographical Names Board.
 - (b) Direction 5 - A city for walking, cycling and public transport - formally naming the park will assist in wayfinding.
 - (c) Direction 8 - A thriving cultural and creative life - supports recognition of Aboriginal and Torres Strait Islander cultural heritage and history in public spaces and streets.

Organisational Impact

13. Naming the park will have minimal organisational impact. Signage will be installed once the name is gazetted.

Risks

14. There are no identified risks associated with the naming proposal.
15. This naming proposal is within the City's risk appetite:
- it helps to ensure public safety and meet community expectations by assisting with wayfinding
 - it ensures we comply with our legal and regulatory requirements
 - it supports the achievement of our strategic objectives.

Social / Cultural / Community

16. The community will have an opportunity to comment on the naming proposal during the exhibition period.

Financial Implications

17. There are funds available in the 2024/25 operational budget for the installation of park signage.

Relevant Legislation

18. The Geographic Names Act 1966 (NSW) and Geographical Names Board Guidelines- the recommended names comply with this legislation and meet the Geographical Names Board Guidelines.

Critical Dates / Time Frames

19. Should Council approve the name, a formal naming application will be submitted to the Geographical Names Board for consideration.

Public Consultation

20. The process for naming of public spaces generally proceeds as follows:
 - (a) in-principle approval by Council of the proposed name
 - (b) public notification of the naming proposal/s with a minimum 28-day response time
 - (c) Council approval following community consultation
 - (d) assessment by the Geographical Names Board of New South Wales through its formal application process
 - (e) approval by the Geographical Names Board and subsequent publication in the NSW Government Gazette.
21. The naming proposal will be advertised on the Sydney Your Say website, notices will be letterboxed to surrounding properties and there will be a public notice on site.
22. If Council approves the name, an application will be made to the Geographical Names Board for gazettal.

KATE DEACON

Executive Director, Strategic Development and Engagement

Gareth Jenkins, Senior Community Engagement Coordinator

Attachment A

Map Showing Location of the Park



Item 5.

Public Exhibition – Naming Proposal – Ngana Gili Plaza, Sydney

File No: X086317.001

Summary

The plaza in front of the new Salesforce tower at 180 George Street is defined by the public artwork of Indigenous artist Daniel Boyd. The artwork is a canopy suspended above the plaza. This new plaza requires naming.

Daniel Boyd has suggested the Gadigal language words – “ngana” “gili” to name this plaza. “Ngana gili” (pronounced nga-nah-gilly - note: ‘ng’ is pronounced as in the word sing) translates as “black light”. This name references astronomy and the movement of light and moonlight seen through the circles cut out of the artwork’s black canopy.

The City of Sydney is committed to recognising Aboriginal and Torres Strait Islander cultural heritage and history in the public domain. Principle 4 of the City of Sydney naming policy states that new names using local Aboriginal language are encouraged, especially for parks and open spaces like this plaza, and shall be in the local Gadigal language.

This report recommends that, subject to community consultation, Council provide in-principle approval to name this plaza: “Ngana gili Plaza”.

The proposed name complies with the City of Sydney naming policy.

Recommendation

It is resolved that:

- (A) Council provide in-principle approval to name the name “Ngana gili Plaza” and that the name be placed on public exhibition for community comment for a minimum period of 28 days; and
- (B) note that a further report will be submitted to Council, detailing the results of the public consultation process.

Attachments

Attachment A. Map Showing Location of the Plaza

Background

1. The plaza in front of the new Salesforce tower at 180 George Street is defined by the public artwork of Indigenous artist Daniel Boyd. The artwork is a canopy suspended above the plaza. This new plaza requires naming.
2. Daniel Boyd has suggested the local Aboriginal language words – “ngana” “gili” to name this plaza. “Ngana gili” translates as “black light”. “Ngana” and “gili” are Gadigal words, documented in Jakelin Troy’s book *The Sydney Language*.
3. This name references astronomy and the movement of light and moonlight seen through the circles cut out of the artwork’s black canopy.
4. The proposed name complies with the City of Sydney naming policy. Specifically:
 - Principle 2: Uniqueness - duplication is avoided with other existing names in a 10-kilometre radius.
 - Principle 3: This name acknowledges the multicultural nature of our society. Inclusiveness and addressing the imbalance of previous approaches are significant priorities for new names.
 - Principle 4: New names using local Aboriginal language are encouraged, especially for parks and open spaces like this plaza, and shall be in the local Gadigal language.
 - Principle 6: Local or Cultural Relevance - the name has local relevance, reflecting the meaning behind a significant new Aboriginal artwork and the astronomical ideas that inspired it.
5. On 13 November 2024 the name was presented to the City’s Aboriginal and Torres Strait Islander Advisory Panel and they were supportive of the name.
6. On 15 November 2024 the name was approved by the Metropolitan Local Aboriginal Land Council.
7. Naming this plaza is important for wayfinding and access for emergency vehicles.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

8. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities’ vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - formally naming the plaza will ensure its gazettal and recognition with the NSW Geographical Names Board.
 - (b) Direction 5 - A city for walking, cycling and public transport - formally naming the plaza will assist in wayfinding.

- (c) Direction 8 - A thriving cultural and creative life - supports recognition of Aboriginal and Torres Strait Islander cultural heritage and history in public spaces and streets.

Organisational Impact

9. Naming the plaza will have minimal organisational impact. Signage will be installed once the name is gazetted.

Risks

10. There are no identified risks associated with the naming proposal.
11. This naming proposal is within the City's risk appetite:
- it helps to ensure public safety and meet community expectations by assisting with wayfinding;
 - it ensures we comply with our legal and regulatory requirements; and
 - it supports the achievement of our strategic objectives.

Social / Cultural / Community

12. The community will have an opportunity to comment on the naming proposal during the exhibition period.

Financial Implications

13. There are funds available in the 2024/25 operational budget, for the installation of street signage.

Relevant Legislation

14. The Geographic Names Act 1966 (NSW) and Geographical Names Board Guidelines- the recommended names comply with this legislation and meet the Geographical Names Board Guidelines.

Critical Dates / Time Frames

15. Should Council approve the name, a formal naming application will be submitted to the Geographical Names Board for consideration.

Public Consultation

16. The process for naming of public spaces generally proceeds as follows:
- (a) in-principle approval by Council of the proposed name
 - (b) public notification of the naming proposal/s with a minimum 28-day response time

- (c) Council approval following community consultation
 - (d) assessment by the Geographical Names Board of NSW through its formal application process
 - (e) approval by the Geographical Names Board and subsequent publication in the NSW Government Gazette.
17. The naming proposal will be advertised on the Sydney Your Say website, notices will be letterboxed to surrounding properties and there will be a public notice on site.
18. If Council approves the name, an application will be made to the Geographical Names Board for gazettal.

KATE DEACON

Executive Director, Strategic Development and Engagement

Gareth Jenkins, Senior Community Engagement Coordinator

Attachment A

Map Showing Location of the Plaza



Item 6.

Public Exhibition - Naming Proposal - Wiriyagan Place, Alexandria

File No: X092423

Summary

As part of the development of the Alexandra Canal Depot, a new private road was built and requires naming.

This report recommends that, subject to community consultation, Council provide in-principle approval to name a private road on this site "Wiriyagan Place".

Wiriyagan (pronounced wirr-ie-yay-gan) is a Gadigal word, documented in Jakelin Troy's book *The Sydney Language*, describing a low-growing fruit-bearing tree, either a prostrate banksia or a melaleuca.

The use of Gadigal language and the choice of a resilient local endemic plant shows respect to the men and women including Aboriginal staff who work at the depot and who care for the trees throughout our city.

This naming proposal complies with the City of Sydney naming policy.

Recommendation

It is resolved that Council:

- (A) provide in-principle approval to name the road "Wiriyagan Place" and that the name be placed on public exhibition for community comment for a minimum period of 28 days; and
- (B) note that a further report will be submitted to Council, detailing the results of the public consultation process.

Attachments

Attachment A. Map Showing Location of the Road

Background

1. As part of the development of the Alexandra Canal Depot, a new private road was built to connect the depot with Bourke Road, Alexandria.
2. This is a private road that Council is responsible for maintaining and naming.
3. Staff at the depot strongly supported recognition of Aboriginal and Torres Strait Islander culture at the facility through the naming of rooms and through artworks.
4. "Wiriyagan" is a Gadigal word, documented in Jakelin Troy's book *The Sydney Language*. It describes a low-growing fruit-bearing tree, a prostrate banksia or a melaleuca.
5. The use of Gadigal language, and the choice of a resilient local endemic plant species, shows respect to the men and women, including Aboriginal staff, who work at Alexandra Canal Depot. These staff members are directly involved in Caring for Country, including maintaining the trees and streets throughout our city.
6. The proposed name complies with the City of Sydney naming policy. Specifically:
 - Principle 2: Uniqueness - duplication is avoided with other existing names in a 10-kilometre radius.
 - Principle 3: This name acknowledges the multicultural nature of our society. Inclusiveness and addressing the imbalance of previous approaches are significant priorities for new names.
 - Principle 4: New names using local Aboriginal language are encouraged, especially for parks and open spaces, and shall be in the local Gadigal language.
 - Principle 6: Local or Cultural Relevance - the name has local relevance, reflecting the heritage and history of the local landscape and its plants.
 - Principle 13: This name conforms to the Geographical Names Board policies on addressing and place names as evidenced by the fact that "Wiriyagan Place" has received in-principle approval from the Geographical Names Board.
7. On 13 November 2024, the name was presented to the City's Aboriginal and Torres Strait Islander Advisory Panel and they were supportive of the name.
8. On 15 November 2024, the name was approved by the Metropolitan Local Aboriginal Land Council.
9. "Wiriyagan Place" has received pre-approval status with the Geographical Names Board. This means that the proposed name complies with the Geographical Names Board's requirements for language use for road names and that there are no duplication issues with this name. It has been thereby reserved for City of Sydney use as a road name for a period of 2 years.
10. Naming this private road is important for wayfinding and access for emergency vehicles.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

11. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
- (a) Direction 1 - Responsible governance and stewardship - formally naming the lane will ensure its gazettal and recognition with the NSW Geographical Names Board.
 - (b) Direction 5 - A city for walking, cycling and public transport - formally naming the road will assist in wayfinding.
- Direction 8 - A thriving cultural and creative life - supports recognition of Aboriginal and Torres Strait Islander cultural heritage and history in public spaces and streets.

Organisational Impact

12. Naming this road will have minimal organisational impact. Signage will be installed once the name is gazetted.

Risks

13. There are no identified risks associated with the naming proposal.
14. This naming proposal is within the City's risk appetite:
- it helps to ensure public safety and meet community expectations by assisting with wayfinding
 - it ensures we comply with our legal and regulatory requirements
 - it supports the achievement of our strategic objectives.

Social / Cultural / Community

15. The community will have an opportunity to comment on the naming proposal during the exhibition period.

Financial Implications

16. There are funds available in the 2024/25 operational budget, for the installation of street signage.

Relevant Legislation

17. The Geographic Names Act 1966 (NSW) and Geographical Names Board Guidelines- the recommended names comply with this legislation and meet the Geographical Names Board Guidelines.

Critical Dates / Time Frames

18. Should Council approve the name, a formal naming application will be submitted to the Geographical Names Board for consideration.

Public Consultation

19. The process for naming of public spaces generally proceeds as follows:
- (a) in-principle approval by Council of the proposed name
 - (b) public notification of the naming proposal/s with a minimum 28-day response time
 - (c) Council approval following community consultation
 - (d) assessment by the Geographical Names Board of NSW through its formal application process
 - (e) approval by the Geographical Names Board and subsequent publication in the NSW Government Gazette.
20. The naming proposal will be advertised on the Sydney Your Say website, notices will be letterboxed to surrounding properties and there will be a public notice on site.
21. If Council approves the name, an application will be made to the Geographical Names Board for gazettal.

KATE DEACON

Executive Director Strategic Development and Engagement

Gareth Jenkins, Senior Community Engagement Coordinator

Attachment A

Map Showing Location of the Road



Item 7.

Tender - T-2024-1314 - Mobile Planter Display Program

File No: X100274

Tender No: T-2024-1314

Summary

This report provides details of the tenders received for the Mobile Planter Display Program.

Since 2000, the City has installed seasonal mobile planter displays (formally known as living colour floral displays), which have become one of the largest displays of their kind in Australia, bringing vibrant colour to sites across the City's local government area.

The Mobile Planter Display Program (the Program) contributes toward a sustainable, liveable, creative, and vibrant city. The Program enhances the City by providing vibrant and colourful displays which elevate the quality of public spaces through high quality design, presentation and maintenance. The display sites span the City's Central Business District (CBD) and neighbourhoods to increase green moments and reduce heat through moveable planters where permanent greening is not achievable. These sites create calming, coolness and respite in areas such as Martin Place, St. Mary's Cathedral Forecourt, Town Hall Square and George Street which come alive with colour and encourage the community to engage with ornamental horticulture.

The Program consists of potted plants arranged in patterns in display infrastructure which includes planters that form multiple geometric configurations complemented by hanging baskets, garsy floral towers, a 12 metre greenwall and a pyramid. The Program is very popular with residents, workers and visitors to Sydney, generating compliments and positive feedback.

Sustainability is integral to the Program. Recycled water is used to maintain the plants. At the end of each display suitable plants are recycled through giveaway programs for schools, community and day care centres, and customer service centres, with the remaining plants being composted or used in the City's parks or streetscapes.

This report recommends that Council accept the tender offer of Tenderer A for the delivery of services in the Mobile Planter Display Program.

Recommendation

It is resolved that:

- (A) Council accept the tender offer of Tenderer A for the Mobile Planter Display Program for:
 - (i) the price and contingency outlined in Confidential Attachment A to the subject report; and
 - (ii) for the schedule of rates outlined in Confidential Attachment B to the subject report for a period of 3 years, with the option of 2 extensions, each of one year, if appropriate;
- (B) Council note that the total contract value and contingency for the Mobile Planter Display Program is outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the tender; and
- (D) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Attachment B. Schedule of Rates (Confidential)

Background

1. The City has installed mobile planter displays in the form of living colour since 2000, which have become one of the largest displays of their kind in Australia, bringing vibrant colour to sites across the City's local government area.
2. Mobile planter displays allow for predominantly hardstand areas, such as Martin Place, St. Mary's Cathedral Forecourt and Taylor Square to be greened and to come alive with colour. The displays are in the CBD, plus main streets in the surrounding neighbourhood areas where permanent greening is not achievable due to site constraints or environmental conditions such as utilities, inadequate soil depth or heavy shade.
3. The Program engages with the public through photography and social media, promoting social connectedness and environmental awareness. The Program is very popular with residents, workers and visitors to Sydney, generating compliments and positive feedback.
4. The Program operates on a seasonal, cyclic, annual rotation seen in the below table:

Display	Start date	Duration	No. of Sites
Spring	Second week September	8 weeks	Up to 20
Summer	Second week January	8 weeks	Up to 20
Christmas	Third week November	6 weeks	9
Hanging Baskets	Early September	9 months	15
Greenwall	Early September	9 months	1
George St Light Rail	Continuing	Year round	1

5. Displays for Spring, Summer and Christmas include installation of approximately 120,000 plants in 2,000 planters plus garsy towers and a pyramaid. The sites are as follows:

Central Business District (CBD)	Neighbourhood	Spillover
Customs House Forecourt **	Pirrama Park	Chifley Sq
St Mary's Cathedral Square **	Surry Hills Library **	Hay St, Chinatown
Martin Place	Erskineville Town Hall **	Abercrombie St
Queen Square	Jack Floyd Reserve	Castlereagh St
Hyde Park Barracks	Fitzroy Gardens **	AMP Centre
State Library Forecourt	Springfield Gardens	Park and College St
QVB	Ian Thorpe Aquatic Centre	Farrer Place
Town Hall House	Union Square **	Taylor Square **
Alfred Street	Green Square **	
Sydney Square	Kings Cross	

** Christmas tree locations

6. The Program also consists of:
- 412 hanging baskets installed on smart poles along 15 of the City's main thoroughfares
 - A 12m, double-sided greenwall, that is in the prominent Kings Cross location of William Street and Darlinghurst Road
 - 200 planters along the George Street light rail corridor to assist in managing traffic and pedestrian movement.
7. The scope of the services delivered under the Program includes:
- Design implementation, sourcing and growing-on of plant material. Plant selection is carefully considered to ensure the plants thrive in the challenging conditions of the CBD including heat, shade and wind. As a result, plants include a mix of perennials, annuals, herbs, native and accent plants best suited to the site conditions
 - Logistics and night work to bump in and bump out displays on a seasonal basis using specialised equipment
 - Maintenance of all displays including provision of water from recycled water sources, weeding, pruning, fertilising and cleaning
 - Asset management of display infrastructure including maintenance, repairs, renewals, fabrication and storage.

8. Sustainability is integral to the Program. Recycled water, primarily from the City's recycled water scheme at Sydney Park, is used to maintain the plants. At the end of each display suitable plants are recycled through giveaway programs for schools, community and day care centres, and customer service centres, with the remaining plants being composted or used in the City's parks or streetscapes.
9. Changes in the new contract include:
 - (a) Reusing existing designs owned by the City and cycling through these over the contract term to reduce costs
 - (b) Storage of all display infrastructure from year 2 of the contract as the City's existing storage location will no longer be available
 - (c) Stronger provision for contract administration, performance metrics and reporting deliverables
 - (d) Updated environmental targets including water, fuel, and waste tracking
 - (e) Improved asset management planning to understand asset condition and required renewal requirements for display infrastructure
 - (f) Contract flexibility to allow for maintenance of potential future permanent planters on the pedestrianised areas adjacent light rail.

Invitation to Tender

10. The request for tender was advertised on Tenderlink on 12 November 2024 and closed on 20 December 2024.

Tender Submissions

11. Four submissions were received from the following organisations:
 - Citywide Service Solutions Pty Ltd (94 066 960 085)
 - Future Village Placemaking Pty Ltd (54 089 589 793)
 - Solutions (Australia) Pty Ltd (60 097 217 493)
 - Skyline Landscape Services Pty Ltd (82 073 170 279)
12. No late submissions were received.

Tender Evaluation

13. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
14. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
15. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) Experience: carrying out services of a similar size and nature
 - (b) Organisational capacity: ensuring structure and proposed team can support service delivery
 - (c) Resourcing: personnel allocation, qualifications, experience and capacity, including sub- contractors and fair work requirements
 - (d) Display delivery program: proposed program provided
 - (e) Methodology: approach for carrying out the services over the annual program in accordance with City's strategic and environmental targets
 - (f) Modern slavery
 - (g) Work, Health and Safety
 - (h) Financial and commercial trading integrity, including insurances (mandatory)
 - (i) Schedule of prices and schedule of rates.

Performance Measurement

16. The appointed Service Provider will have their performance measured against an extensive list of key performance indicators including safety, quality of service, sustainability and contribution to the City's strategic objectives relevant to the services.

Risks

17. A risk assessment was undertaken early in the procurement process to identify risks associated with the services. The identified treatment strategies resulted in changes in the new contract to manage residual financial, environmental and service delivery risks, as detailed in paragraph 9 of this report.
18. The changes in the new contract to treat the residual risks align with the tolerances set out in the City's Risk Appetite Statement for the respective categories of Financial, Environmental and Sustainability and Service Delivery.

Financial Implications

19. There are sufficient funds allocated within the current and next financial year's draft operating budget and future years' forward estimates for Schedule of Prices (lump sum) work.

There are sufficient funds allocated within the current approved long term financial plan for the existing scope of services. Additional funds will be requested within the next iteration of the long term financial plan as part of the approvals for the Sydney Park Former Nursery Depot Re-use project and finalisation of the George Street Pedestrianisation project. Schedule of Rates work is discretionary and only occurs once budget is available. This includes:

- (a) The addition of the permanent planters along the light rail corridor subject to approval of a business case.
 - (b) Infrastructure renewal based on updated asset management planning.
21. The tender does not exceed pre-tender estimates.
22. The total contract value and contingency for the Program is detailed in Confidential Attachment A.
23. The Schedule of Rates is detailed in Confidential Attachment B.

Relevant Legislation

24. The tender has been conducted in accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021.
25. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
26. Attachments A and B contains confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
- (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
27. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

28. The existing contract for Living Colour Floral Display Program 1980 ends on 12 May 2025.
29. The new contract is proposed to start on 13 May 2025.
30. The proposed initial contract term is 3 years, with 2 options to extend. Each option is for a period of 1 year. The total proposed contract length is 5 years, ending in 2030.
31. Deferring the decision to award the tender would delay the rendering of services and lead to a lack of service continuity.

Options

32. The Program has been delivered through contracted delivery since 2000. The decision to contract out these services was made at the time due to the specialised capabilities and capacity to render these services. This includes:
 - (a) extensive nursery and storage space and expertise to grow and maintain large volumes of plants throughout the year
 - (b) storage space for display infrastructure and engineering capabilities for structural assessment and repairs
 - (c) workforce flexibility to adjust to the seasonal nature of the works including significant additional resources and night work during bump in and bump out periods
 - (d) significant plant, equipment, transport and logistics management for peak periods during bump in and bump out periods.
33. The broad scope of services of the Program has largely remained unchanged since 2000 so these factors still remain relevant to why contracted service delivery is the recommended delivery model. Internal service provision is not recommended as the City does not have the specialised capabilities to render these services. It would require significantly greater resources (human, financial, property and plant and asset) to render these specialised services internally, and the internal resources lack the flexibility to accommodate the seasonal fluctuations required to successfully deliver the services.

Public Consultation

34. There was no public consultation prior to the tender being advertised.

VERONICA LEE

Executive Director City Services

Fiona Riches, Contract Coordinator Parks

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Item 8.**Exemption From Tender - Management and Operations of the City of Sydney Creative Studios - Brand X Productions**

File No: X111156

Summary

The City of Sydney Creative Studios (Creative Studios) is a 2,000sqm creative facility at 115-119 Bathurst Street, Sydney, encompassing 30 distinct creative studios providing affordable rehearsal and production studios for creative practitioners and enterprises.

The Creative Studios is managed by Brand X Productions Incorporated (Brand X) under a 3-year management agreement contract. Brand X is a Sydney-based, not-for-profit arts organisation and registered charity that has supported Sydney's creative sector for 20 years.

The contract term commenced just months after the final Covid lockdown restrictions were lifted on 9 May 2022, and currently concludes on 8 May 2025.

While the pandemic had a profound impact across a range of sectors, its impact on the creative community was unique and devastating. The long tail effects of the Covid-19 pandemic continue to destabilise the foundations of the cultural sector. The cost-of-living crisis has further strained an already fragile sector as it tries to recover. In the last 12 months, the City has received numerous requests for support from the creative sector and seen long-standing cultural organisations become insolvent and cease trading.

As demonstrated in the Cultural Strategy 2025 – 2035, Sydney has lost 12% of its artist population in the past 10 years. Brand X is strategically important, as the only mid-scale, non-profit creative space provider operating in our area. Brand X has worked in close partnership with the City to nurture and support local artists and small creative organisations and rebuild the sector while trying to establish the Creative Studios as a business.

The Cultural Strategy 2025 – 2035 identifies a need to support, retain and grow our small to mid-size cultural organisations to address the shortfall in mid-scale sector operators in our area and stabilise the cultural eco-system.

The Cultural Strategy 2025 – 2035 calls on the City to direct investments towards supporting employment of our creative workforce. Apart from supporting local artists and small creative organisations, Brand X employ approximately 14 specialist staff from multi-arts backgrounds to manage and deliver the Creative Studios.

Given the ongoing pressures on the sector, it is considered that tendering for the operation and management of the Creative Studios will not deliver a satisfactory result at this time. The available operational data for the studios is insufficient to provide a true reflection of the potential of the facility, and instead reflects the 'start-up phase' of this new business.

As stated in the Cultural Strategy 2025-2035, the cultural sector is suffering from burn out and recovery will take time; the City needs to work with existing operators to retain both cultural organisations and infrastructure. Compounding these issues, recovery from the Covid-19 pandemic and managing cost of living pressures is further impacting the performance of the facility and an assessment of the optimal operating model.

This report seeks an Exemption from Tender to extend the current contract with Brand X for a further 3 years and 2 months, aligning the contract term and financial year to improve administration, resulting in a revised expiry date of 30 June 2028. This will allow Brand X more time to establish the business, trial new operating systems and build the commercial history needed to assess the long-term operating model for the future. It will allow the City to evolve the performance of the contract through the introduction of appropriate financial incentivisation and then assess the long-term operating model for the future. The creative sector will benefit from access to affordable creative space in a facility with growing reputation and partnerships.

Recommendation

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 to extend the existing contract for the management of the City of Sydney Creative Studios for a period of 3 years and 2 months, noting that a satisfactory result would not be achieved by inviting tenders at this time;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders because:
 - (i) the available operational data for the Creative Studios is insufficient to provide a true reflection of the potential of the facility, or sufficient history to inform the best long-term operating model for the facility;
 - (ii) the market for facility operators is currently very limited, with market conditions for operators remaining challenging; and
 - (iii) the continuing impact of the Covid-19 pandemic and cost-of-living crisis are having a significant impact on the creative sector, impacting the ability of the sector to respond to a tender at this time;
- (C) Council approve a variation to the Management Agreement with Brand X Productions Incorporated to extend the term for 3 years and 2 months, aligning contract term and financial year to improve administration, resulting in a revised expiry date of 30 June 2028;
- (D) Council approve the additional funds for the contract extension as outlined in Confidential Attachment A to the subject report;
- (E) Council note the change in the contract operating model outlined in Confidential Attachment A to the subject report;
- (F) Council note the revised total contract value for the management of the City of Sydney Creative Studios is outlined in Confidential Attachment A to the subject report; and
- (G) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any necessary documentation to give effect to the clauses above.

Attachments

Attachment A. Financial and Contractual Implications (Confidential)

Background

1. The City of Sydney Creative Studios (Creative Studios) is located at 115-119 Bathurst Street, Sydney and is a 2,000sqm facility encompassing 30 distinct studio spaces for creative practitioners and enterprises.
2. The facility was delivered under a Voluntary Planning Agreement with Greenland (Sydney) Bathurst Street Development Pty Ltd, and was a direct outcome of actions outlined in the City's 2014-2024 Cultural Policy and Action Plan:

Sector sustainability surviving and thriving: Engage business and commercial developers to incorporate temporary and long-term creative workspace into new developments, for example through the use of voluntary planning agreements.

3. The Creative Studios includes:
 - (a) two double-height rehearsal studios for performing artists
 - (b) soundproof recording studio room for musicians
 - (c) production and editing suites for filmmakers and digital artists
 - (d) wet-dry creative studios for visual artists
 - (e) an artist-in-residence apartment with an attached creative studio
 - (f) creative offices, administration and meeting spaces, dressing rooms and storerooms
 - (g) a cafe in the lobby of the facility.
4. The City initially tendered the contract for the management of the Creative Studios in late 2019. This open tender was significantly impacted by the Covid-19 pandemic.
5. Two tender responses were received, with the unsuccessful tenderer no longer trading.
6. Given that the Creative Studios was a newly developed site and opening during a period of significant risk and instability across the creative sector, the decision was made to:
 - (a) limit the term of the contract for the management of the Creative Studios to 3 years and then reassess the status of the creative sector at that time; and
 - (b) assume the commercial risk under the 3-year contract by the City covering operational expenses and paying the operator a management fee, with any surplus income returned to the City.
7. Following the completion of the procurement process, Brand X Productions Incorporated (Brand X) were appointed under a 3-year contract as operator of the Creative Studios on 9 May 2022.
8. Brand X is a not-for-profit arts organisation and registered charity that has supported Sydney's creative sector for 20 years by providing affordable space for artists, creative practitioners and creative enterprises.

9. Since commencing the contract, Brand X has worked in partnership with the City to deliver the following key outcomes:
 - (a) operationalised the facility - management and staffing structure development with 13 specialist staff employed from multi-arts backgrounds and range of operational processes delivered
 - (b) undertaken significant sector consultation, and run peer reviewed expression of interest processes for long-term creative tenancies
 - (c) facilitated 12,100 hires from artists and arts organisations
 - (d) provided 73 creative practitioners with long-term creative workspace across 47 separate tenancies
 - (e) provided long-term workspace for creative peak bodies Music NSW and National Association for Visual Arts under three-year licences
 - (f) established a First Nations Advisory Panel and continued to deliver long-standing Disability and Inclusion Advisory Panel and Plan
 - (g) delivered a sector informed program from the facility which included providing 32 artists/projects with access to free space and stipends to investigate new work and delivering 20 artist-to-artist professional development programs.

Performance of Brand X to date

10. Brand X is providing a service that is meeting the City's strategic goals and key objectives of the contract.
11. Community and sector feedback about the facility and how it is run is very strong, tracking a 96% positive experience rate and a 100% recommendation rate.
12. Against a backdrop of decline in artist space and even artists themselves, Creative Studios utilisation and activation is increasing, with strong growth seen despite the current economic impacts on the creative sector with:
 - (a) short term hire increasing by 81% over the last 12 months, with 6,100 casual bookings facilitated during this period
 - (b) long-term tenanted spaces reaching 97% occupancy on average
 - (c) 92% of users are artists, arts organisations and creative sector members who are provided with subsidised rates through Brand X's Artist Pass Program, and remaining 8% of use is by non-arts industry hirers paying general access or full market rates.
13. Work produced at the facility is local, world class and diverse.

Extension of contract

14. The extension of the contract is recommended for several reasons:
 - (a) To allow sufficient time to obtain operational, utilisation and pricing data that is reflective of a 'business as usual' period, takes into account the results of newly developed business initiatives, and thereby demonstrates the true capacity of the facility to inform future operating model options.
 - (b) While lockdowns ended 3 years ago, the legacy impacts of Covid-19 and the subsequent cost-of-living crisis continue to ripple through the creative sector with many of the small to medium-sized theatre, dance, live music and creative production companies continuing to experience challenges due to low audience numbers, rising costs and changes to funding.
 - (c) As stated in the Cultural Strategy 2025-2035, the cultural sector is suffering from burn out and recovery will take time. The City needs to work with existing operators to retain both cultural organisations and infrastructure. In the last 12 months, the City has received numerous requests for support from the creative sector and seen long-standing cultural organisations become insolvent and cease trading.
 - (d) The operational data that is available has been heavily affected by these legacy impacts thereby making it insufficient to be a true reflection of the potential of the facility.
15. Given these factors, it is recommended that tendering the operation of the Creative Studios would not deliver a satisfactory result for the Council at this time.
16. An extension of the existing contract will:
 - (a) provide sufficient time to assess the future operating model;
 - (b) provide an opportunity to evolve performance of the contract through introducing a range of business initiatives intended to increase utilisation of and access to the Creative Studios; and
 - (c) allow the City to deliver on its objectives in the Cultural Strategy 2025-2035 to:
 - (i) provide artists, musicians, writers and performers with access to dedicated spaces in suitable City of Sydney properties; and
 - (ii) provide a key creative industry service provider with an opportunity to continue to grow, assisting to develop the capacity of and stability of the industry more generally.
17. The recommended model will vary the terms of the existing contract with the City continuing to cover operational expenses, paying the operator a management fee, with any surplus income returned to the City.
18. No further extensions to the contract will be offered and the long-term operating model will be determined and communicated to Council with sufficient time to deliver against the recommended future service pathway. Trends in utilisation will continue to be closely monitored.

Performance Measurement

19. Operational and financial performance targets are monitored on a monthly, quarterly and annual basis through a combination of meetings, audits, inspections and reporting.

Financial Implications

20. Brand X submitted a proposal to continue delivering the service during the extension. This proposal demonstrated strategic service improvements that would lift occupancy and drive income growth through increased venue hire, data-driven discount offers, additional value-add services and an expanded marketing and programming offering.
21. In summary, the contract extension with Brand X balances the financial sustainability of the Creative Studios against community accessibility by:
 - (a) incentivising Brand X to drive increased occupancy through a staged reduction of the management fee paid by the City to Brand X over the contract period
 - (b) linking a portion of the management fee paid to occupancy level achievement
 - (c) revising Brand X operating model and costs
 - (d) reducing the total cost to the City over the term of the contract.
22. Details are in Confidential Attachment A.
23. There are sufficient funds allocated for this project within the current year's operating budget and future years' forward estimates.

Risks

24. The recommendations in this report have been made following a due diligence process and the reasons for the recommended exemptions include:
 - (a) service is in start-up phase and there is insufficient data available now to inform future tender documents
 - (b) upgrades or efficiencies to operating model are planned to be implemented within the next three years
 - (c) the creative sector requires security and consistency of services whilst experiencing the ongoing impacts of Covid and economic pressures.
25. This approach is within the City's risk appetite, which states:
 - (a) The City has a responsibility to ensure that it has sufficient resources in the short, medium and long term to provide the levels of service that are both affordable and considered appropriate by the community.

- (b) The City's risk philosophy is centred around achieving a balance between innovation, community and user satisfaction and risk management, ensuring that the City meets its strategic objectives while maintaining a robust control environment.
- (c) The City aim's to strike a balance between achieving its strategic objectives, implementing change and embracing innovation, and protecting its reputation.

Relevant Legislation

- 26. The exemption from tender process has been conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
- 27. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- 28. Attachment A contains confidential commercial information which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
- 29. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

- 30. The current contract term commenced on 9 May 2022 and expires on 8 May 2025.
- 31. The term of the amended contract would commence on 9 May 2025, for a period of 3 years and 2 months, extending the term and aligning the contract term with the financial year to improve administration, resulting in a revised expiry date of 30 June 2028.

Options

32. The City considered several options in this process:

- (a) Extend and vary the current contract with Brand X for an additional three years and 2 months. This is the preferred option.
- (b) Not extend the contract term. This option is not recommended as it would result in the facility closing at end of the current term, severely impacting the creative sector.
- (c) Tender the management of the facility and make an appointment. This option is not recommended given the ongoing pressures and instability in the creative sector at this time and would result in the facility being closed for a period of time while a tender process is undertaken and hand over period is determined.
- (d) Bring the service in-house. This option is not recommended as this approach is not in line with the City's Cultural Strategy 2025-2035, which highlights the need to support, retain and grow our small to mid-size cultural organisations. In addition, initial consultation with the creative sector on the options for the operating model and criteria for success, recommended that an independent operator be engaged to manage the facility. Contracting with an appropriate organisation to run the service aligns with the goals of the facility; to ensure industry best practice management and service delivery while upskilling the sector to manage and maintain creative space. This option would result in the facility being closed for a period of time while the City undertook required processes, including significant level of recruitment to take on management of the service.

Public Consultation

33. No public consultation has been undertaken.

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