

**Item 10****Sydney New Year's Eve 2021 Event Arrangements****File No: X083142****Summary**

At the Extraordinary Council meeting held on Tuesday 5 October on Sydney New Year's Eve 2021, Council resolved to work towards delivery of a New Year's Eve event including 9pm and midnight fireworks, coordinated with the NSW Government. This was subject to the City achieving agreement with the NSW Government that, should the requirements for any Public Health Orders and/or the Covid Safety Plan not be able to be met by the City, the NSW Government would take responsibility for all elements of the New Year's Eve event and the City would be responsible for the delivery of the fireworks displays, including barges, pylons and lighting projections only.

To enable the 9pm fireworks display to go ahead, some existing contracts need to be varied to add additional 9pm display scope. Given the now tight delivery timeframes, it will not be possible for any relevant contract variations to be approved by Council. Staff may also need to procure additional goods or services with quick turnaround and therefore, if relevant, standard tendering timelines will not be able to be met.

Correspondence from the Minister for Jobs, Investment, Tourism and Western Sydney, on 4 October 2021 requested that should the NSW Government take over responsibility for major elements of the 2021 event, that the City will ensure full cooperation is provided to provide access to any City owned or managed land required for the event with no fees, costs or unreasonable conditions applied. This possible takeover of responsibilities will be subject to very tight timeframes, and as such it may not be possible for Council to approve the waiver of fees or costs if required at a future date.

## 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 enter into any agreements necessary to ensure the delivery of a New Year's Eve event for 2021;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders at this time for the following reasons:
  - (i) there are uncertainties in delivering the New Year's Eve event in 2021 due to the ongoing Delta variant Covid-19 outbreak that may require procurement of unknown goods and/or services at very short notice; and
  - (ii) there is insufficient time to undertake a full procurement process;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer any additional contracts required to deliver New Year's Eve 2021;
- (D) authority be delegated to the Chief Executive Officer to approve variations of existing contracts relating to the delivery of the New Year's Eve 2021 event to add scope where necessary to ensure the safe delivery of the event in 2021 with Council to be advised by way of CEO Update of any contracts varied as a result of this delegation;
- (E) if the New Year's Eve 2021 event, or part of it, is transferred to the NSW Government to deliver, Council note that the Chief Executive Officer may exercise discretion to waive fees payable by the NSW Government associated with the delivery of the event under the Covid-19 fee waiver category; and
- (F) Council note that the resolutions above are required to implement the 5 October 2021 Extraordinary Council meeting resolution in relation to the delivery of a New Year's Eve event for 2021.

## Attachments

**Attachment A.** 5 October 2021 Council Resolution - Sydney New Year's Eve 2021

## Background

1. At the Extraordinary Council meeting held on Tuesday 5 October 2021, Council resolved to move forward with the delivery of the 9pm and midnight fireworks, coordinated with the NSW Government. This was subject to the City achieving agreement with the NSW Government that, should the City not be able to meet the requirements of any Public Health Orders and/or the Covid Safe Plan for New Year's Eve 2021, then the NSW Government would take responsibility for the delivery and management for all elements of the Sydney New Year's Eve event for 2021; and the City will be responsible for the delivery of the fireworks displays including barges, pylons and lighting projections only.
2. Authority was delegated to the Chief Executive Officer to negotiate and enter into a Memorandum of Understanding with the NSW Government, and Agency Agreements with relevant NSW Government Agencies, for the 2021 Sydney New Year's Eve event.
3. As a result of these changes, it may be necessary to vary some existing event contracts, for example, for the Integrated Crowd Management Plan and for the barges that carry the fireworks. It may also be necessary to procure additional goods and services to ensure smooth event delivery. Given the event takes many months to plan, and that these changes may be required in a very short timeframe, the Council meeting schedule will not allow Council or procurement timelines to be met to successfully deliver the event.
4. Correspondence from the Minister for Jobs, Investment, Tourism and Western Sydney to the Lord Mayor on 4 October 2021 requested that should the NSW Government take over responsibility for major elements of the 2021 event, the City would ensure full cooperation and access is provided to any City owned or managed land required for the event, including for viewing precincts, crowd management, operations and logistics, with no fees, costs or unreasonable conditions applied. The City was also requested to provide full assistance to the Government on all matters to ensure a timely transfer of plans, documentation, novation of supplier agreements and similar elements.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030

5. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This program is aligned with the following strategic directions and objectives:
  - (a) Direction 1 - A Globally Competitive and Innovative City - the Sydney New Year's Eve event, and the associated event broadcasts and marketing, is significant in generating tourism and tourism awareness for Sydney.
  - (b) Direction 5 - A Lively and Engaging City Centre - the Sydney New Year's Eve event, and associated activities of Harbour foreshore landowners, creates a vibrant, safe and accessible experience of the city centre on New Year's Eve.

- (c) Direction 7 - A Cultural and Creative City - the Sydney New Year's Eve event provides opportunities for the cultural and creative sector and showcases Sydney as a creative city through its delivery of major special events.
- (d) Direction 10 - Implementation through Effective Governance and Partnerships - the Sydney New Year's Eve event is delivered collaboratively through a Memorandum of Understanding and Agency Agreements.

### **Risks**

- 6. Should the recommendation not be adopted, if a change to the Public Health Orders requires Council to vary any contracts with service providers or suppliers, procure any additional goods and services or waive any fees payable by the NSW Government associated with the delivery of the event, within a very short time frame, this would not be possible under the Council meeting schedule and would seriously impact the safe and successful delivery of the event.
- 7. The City will only use the exemption from tender if additional services are identified as essential for the event. If further services are required, three quotes from relevant suppliers will be sought before engagement.

### **Financial Implications**

- 8. Any costs that may increase due to changes in the event format will initially be sought from other savings from within the 2021/22 Operating Budget. Noting that the City's operating forecast is assessed in detail on a monthly basis. If it becomes apparent that it will not be possible to absorb these additional costs, funding will be sought from the 2021/22 General Contingency Fund in a future quarterly report.

### **Relevant Legislation**

- 9. Local Government Act 1993. Section 55(3)(i) provides an exemption from tender for a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenders, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders by reason of extenuating circumstances.
- 10. Section 610E of the Local Government Act 1993 authorises Council to waive payment of or reduce a fee if the case fits within a category established by Council following public notice of the category. Council has established a Covid-19 category of fee waiver and delegated authority to waive fees under this category to the Chief Executive Officer.

**Critical Dates / Time Frames**

11. Staff have been working on the 2021 New Year's Eve event delivery for many months and have already undertaken some contract variations. These delegations are required to give effect to the recommendations put forward by Council at the 5 October 2021 Extraordinary meeting due to the short timeframes required to deliver the event.

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