

## 10.16.Grosvenor Plaza, Neutral Bay - Expressions of Interest Evaluation

<b>AUTHOR</b>	Ian Robertson, Service Unit Manager Corporate Governance
<b>ENDORSED BY</b>	Olena Tulubinska, Director Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL - Grosvenor Plaza Background [<b>10.16.1</b> - 4 pages]</li><li>2. CONFIDENTIAL - EOI Evaluation Grosvenor Plaza [<b>10.16.2</b> - 5 pages]</li><li>3. CONFIDENTIAL - 20250911 Grosvenor Plaza EOI Evaluation Report (signed version) [<b>10.16.3</b> - 37 pages]</li></ol>
<b>CSP LINK</b>	<p><b>Outcome 2 – A connected and socially inclusive community where everyone is valued</b> S2. Provide new and improved public and community spaces for people to meet and connect</p> <p><b>Outcome 3 – An active community with space for everyone to exercise and enjoy the outdoors</b> O3. Provide new and upgraded facilities within existing public spaces to increase amenity, accessibility and diversity</p> <p><b>Outcome 5 – A thriving and resilient local economy</b> ED3. Create vibrant villages and local centres that attract and retain visitors</p>

### PURPOSE:

The purpose of this report is to provide Council with the analysis and recommendations arising from the evaluation of the Expressions of Interest (EOI) process for Grosvenor Plaza, Neutral Bay, and to seek endorsement of the proposed next steps in the procurement process.

### EXECUTIVE SUMMARY:

- An invitation for “Expressions of Interest” was called and received until 4.00pm on 21 February 2025 for the submission of responses for the delivery of Grosvenor Plaza as outlined in the Neutral Bay Village Planning Study endorsed by Council on 27 May 2024. This included suitable replacement underground public parking for land generally described as the Grosvenor Lane carpark in Neutral Bay and ancillary adjacent areas.
- Should Council wish to discuss this report it is noted that the attached confidential document includes information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Further, release of the information would on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council’s ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session.

**RECOMMENDATION:**

- 1. THAT** Council note the outcomes of the Expression of Interest (EOI) process.
- 2. THAT** Council endorse to proceed with the request for tender as outlined in this report.
- 3. THAT** Council invite Ethos Urban/Arkadia and Coles/Titanium, being the two highest scoring respondents, to participate in a selective Request for Tender process in accordance with Section 55 of the Local Government Act 1993 (NSW).
- 4. THAT** Council delegate authority to the Chief Executive Officer to finalise and issue the Request for Tender documentation, manage the tender process, and report back to Council with a recommendation on the preferred respondent for endorsement.
- 5. THAT** Council resolve that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

It is further noted that the release of this information would, on balance, be contrary to the public interest as publication of all tendered documents would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

## Background

On 27 May 2024, Council formally endorsed the Neutral Bay Village Planning Study which outlines the strategic vision for the Grosvenor Plaza site, including the provision of suitable replacement underground public parking and associated adjacent areas.

Subsequently, on 11 December 2024, Council issued an Invitation for Expressions of Interest (EOI) to identify market participants capable of delivering the outcomes articulated in the Planning Study. The EOI process was designed to facilitate market testing, ensure transparency, and confirm compliance with Section 55 of the Local Government Act 1993 (NSW).

The EOI closed at 4pm on 21 February 2025, with four submissions received via Tenderlink. To account for the time elapsed since the closing date, Council offered all respondents the opportunity to update or supplement their submissions. This offer was issued on 11 July 2025, with a closing date of 18 July 2025.

To uphold integrity and manage potential conflicts of interest, Council implemented a Probity Plan (adopted on 13 May 2024) and developed a Governance Plan to ensure independent and transparent decision-making. These measures included excluding staff with prior involvement with any respondents. While necessary, this approach resulted in a lack of internal strategic planning expertise to complete the evaluation.

To address this, Council initiated a Request for Quotation (RFQ) process and appointed Savills Australia to provide technical and industry advice.

The Evaluation Plan was refined collaboratively between Savills and Council, with probity oversight provided by O'Connor Marsden to ensure fairness, transparency, and alignment with the advertised EOI.

In accordance with Section 55 of the Local Government Act 1993 (NSW), should Council resolve to proceed with the selection of a preferred party, the next step in the procurement process is to invite the two highest scoring respondents who demonstrated the requisite capability and competency, to participate in a selective Request for Tender.

## Report

The methodology adopted to undertake the evaluation of the *Grosvenor Plaza - Invitation for Expression of Interest* was based on selection criteria outlined in the expression of interest invitation documents and in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

At the close of EOI, four responses were received (listed in alphabetical order):

<b>EOI responses received from:</b>
Ethos Urban Pty Ltd / Arkadia
Form 4 Architects

Place Design Group
Titanium Property Investment / Coles Group Property Developments Limited

Information provided by responders which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all responses has been used in assessing any request for confidentiality by the responder.

Application for access to documentation should be through lodgement of a GIPA Public Information application form and payment of prescribed fees.

### **Consultation requirements**

There is no direct requirement for consultation as a result of this report.

### **Financial/Resource Implications**

Council may require the services of a Land Development Specialist Consultant firm, probity adviser, and/or legal advice in order to progress the next stage of procurement with the required level of specificity and in accordance with legislative requirements. The costs of these services are not known at the time of this report.

### **Legislation**

Council acceptance of EOI's must be undertaken in accordance with clauses 166-177 of the Regulation. For transparency, minutes record the names of the councillors who supported the decision and any councillors who opposed the decision. Clause 177 of the Regulation gives council four options. The options are:

- invite tenders from some or all of the persons who lodged EOIs;
- invite fresh EOIs;
- invite tenders generally (whether or not from persons who lodged EOIs); or
- not invite either tenders or fresh EOIs.

Following the Expression of Interest process, Council has identified Ethos Urban/Arkadia and Coles/Titanium as two parties capable of delivering the required services. In accordance with Section 55 of the Local Government Act 1993 and the Local Government (General) Regulation 2021, it is recommended to enter into selective Request for Tender processes with these parties to achieve the desired community outcomes.