



10 MAY 2013

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 14 MAY 2013.

Ordinary Meeting of Council Meeting No. 10/13

Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde - 7.30pm

English

If you do not understand this letter, please come to the Ryde Civic Centre, Devlin Street, Ryde, to discuss it with Council staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact Council for you. Council's phone number is 9952 8222. Council office hours are 8.30am to 4.30pm, Monday to Friday.

Arabic

إذا كنت لا تفهم محتويات هذه الرسالة، فالرجاء الاتصال بمركز مجلس بلدية رايد Ryde Civic Centre، وعنوانه: Ryde، Devlin Street، لمناقشتها مع العاملين في المجلس عن طريق مترجم، يستعين به العاملون لمساعدتك. أو يمكنك، بدلا من ذلك، أن تتصل بمكتب خدمات الترجمة TIS على الرقم 131 450 وأن تطلب من أحد المترجمين أن يتصل بالمجلس نيابة عنك. رقم تليفون المجلس هو 9952 8222، وساعات العمل هناك هي من الساعة 8.30 صباحا إلى 4.30 بعد الظهر من يوم الاثنين إلى يوم الجمعة.

Armenian

Եթէ այս նամակը չէք հասկնար, խնդրեմ եկէք՝ *Րայդ Միվիթ Սենթըր, Տելվին փողոց, Րայդ, խօսակցելու*։ Քաղաքապետարանի պաշտօնեաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել։ Կամ, կրնաք հեռաձայնել Թարգմանութեան Սպասարկութեան՝ 131 450, եւ խնդրել որ թարգմանիչ մը Քաղաքապետարանին հետ կապ հաստատէ ձեզի համար։ Քաղաքապետարի հեռաձայնի թիւն է՝ 9952 8222։ Քաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ։

Chinese

如果您看不懂這封信，請到位于 **Devlin Street, Ryde** 的禮特區市府禮堂 (**Ryde Civic Centre**)與區政廳工作人員討論，他們將會給您安排傳譯員服務。或者您自己打電話給“翻譯及傳譯服務”，電話：131 450，請他們替您與區政廳聯係。區政廳的電話號碼是：9952 8222。區政廳工作時間是：周一至周五，上午 8.30 到下午 4.30。

Farsi

اگر این نامه را نمی فهمید لطفاً به مرکز شهرداری رايد در **Devlin Street** مراجعه کنید. کارمندان شهرداری ترتیب استفاده از يك مترجم را براي شما خواهند داد. یا ميتوانيد به سرويس ترجمه کتبي و شفاهي شماره 131 450 تلفن بزويد و بخواهيد که يك مترجم از جانب شما با شهرداری تماس بگیرد. شماره تلفن شهرداری 9952 8222 و ساعات کار از 8.30 صبح تا 4.30 بعد از ظهر مي باشد.

Italian

Le persone che hanno difficoltà a capire la presente lettera, sono pregate di presentarsi al Ryde Civic Centre in Devlin Street, Ryde, e parlarne con gli impiegati municipali che provvederanno a richiedere l'intervento di un interprete. Oppure possono chiamare il Translating & Interpreting Service al 131 450 e chiedere ad uno dei loro interpreti di mettersi in contatto con il comune di Ryde. Il numero del comune è 9952 8222. Gli uffici comunali sono aperti dalle 8.30 alle 16.30, dal lunedì al venerdì.

Korean

이 편지를 이해할 수 없으시면 Ryde의 Devlin Street에 있는 Ryde Civic Centre로 오셔서 카운슬 직원과 상담하여 주십시오. 저희 직원이 통역 서비스를 연결해 드릴 것입니다. 아니면 131 450번으로 통번역 서비스(TIS)에 전화하셔서 통역사에게 대신 카운슬에 연락해 주도록 부탁하셔도 됩니다. 카운슬 전화 번호는 9952 8222번입니다. 카운슬의 업무 시간은 오전 8:30부터 오후 4:30, 월요일에서 금요일까지입니다.

Meeting Date: Tuesday 14 May 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

*Council Meetings will be recorded on audio tape for minute-taking purposes
as authorised by the Local Government Act 1993.*

NOTICE OF BUSINESS

Item	Page
11 WEST RYDE URBAN VILLAGE- PROGRESS REPORT FROM WORKING PARTY MEETING	1

11 WEST RYDE URBAN VILLAGE- PROGRESS REPORT FROM WORKING PARTY MEETING

Report prepared by: Coordinator - Commissioning
File No.: GRP/09/3/10 - BP13/616

REPORT SUMMARY

This report provides an update following the Council resolution from the meeting held on 26 February 2013 for the progress on the West Ryde Urban Village development.

The report contains outcomes from the working party meeting held on Wednesday, 17 April 2013 between Councillors, Council and Coles' senior management and correspondence between Council and Coles on the progress of the development.

These update reports will be provided to Council as key developments in the project unfold.

RECOMMENDATION:

- (a) That Council note the updated information contained within this report, specifically in relation to the provision of the delivery timeframe from Coles and the commencement of the Communications Strategy.
- (b) That Council request the Acting General Manager to continue to advocate to Coles representatives for a joint investigation process to determine the potential for safe early opening of the Village Square and the Basement Carparks during construction to benefit the West Ryde Business community.
- (c) That following the receipt of the findings of the Construction and Accessibility Consultant's report the Mayor and Acting General Manager make representations to Coles Management on behalf of the Council.

ATTACHMENTS

- 1 Letter to Coles dated 26 March 2013 regarding roadwork changes
- 2 Letter from Coles dated 5 April 2013 regarding Anticipated Target Timeline for the development
- 3 Photos of the West Ryde Origami Horse at West Ryde Urban Village
- 4 Meeting Minutes - West Ryde Urban Village Working Party Meeting - 17 April 2013

Report Prepared By:
Paul Yang
Coordinator - Commissioning

Report Approved By:
Danielle Dickson
Acting General Manager

ITEM 11 (continued)**Discussion**

Council resolved at its meeting held on 26 February 2013 the following:

- (a) *That Council receives and notes the updated information contained within this report.*
- (b) *The Acting General Manager and Mayor be requested to make representations to Coles Group Property Development Pty Ltd (Coles) seeking resolution of the matters in this report and inform the general public in relation to the facts regarding the issue in this matter and confirming the rejection of any financial claim by Coles as detailed in this report.*
- (c) *That Council requests the Acting General Manager to continue to make representations to Coles senior management to implement the communications strategy dated September 2010 and to ensure that the agreed 'shop front' is in place prior to the commencement of road works. That the communication strategy be presented to Council by Coles at a future Council Meeting.*
- (d) *That the Acting General Manager request a project timeframe from Coles detailing the main milestones and sequencing for the project and that this be reported to Council and that Coles be put on notice that failure to deliver this timeframe in the coming two weeks will result in Council taking further contractual action to commence the remaining public domain works.*
- (e) *That the Council expresses its serious concerns to the Coles and Wesfarmers Board at the reluctance of Coles to fully engage and participate with Council to develop a timeline to deliver the West Ryde Urban Village. That Council express its concern and emphasise the impact their construction is having on local businesses in West Ryde.*

Actions implemented as a result of the Working Party Meeting held 17 April 2013 include:

- Correspondence received from Walter Kullen, Senior Development Manager NSW addressing the standing resolution of Council which sought to confirm the timeframe, milestones and sequencing for the project (correspondence attached).
- Achievement of an immediate improvement of communications including implementation of the agreed Communications Strategy.
- Communications Shop Front opened mid April 2013 and is manned Monday to Friday 10.00am to 2.00pm.

ITEM 11 (continued)

- Implementation of an updated West Ryde Urban Village website, newsletters and collateral relating to the road works in consultation with City of Ryde to ensure clear, concise, up to date information is being provided to our community. A more collegiate approach between the parties to improve communications.
- Agreement that the Acting General Manager and Greg Chubb, **Coles Director, Property (or representative)** will review the opening of the Car Park and partial opening of the plaza and expeditiously set up a site visit to discuss and resolve the matter. This meeting is scheduled for 17 May.
- City of Ryde has engaged an independent Construction and Accessibility Consultant to attend the site visit scheduled for Friday, 17 May 2013 and advise Council on the best practical means by which Coles may be able to give access to the basement Car Park and a partial opening of the village square. The consultant will subsequently prepare an associated report advising cost and risk management. It is intended that this report be made publically available.
- Acting General Manager met with David Tompkins (West Ryde Chamber of Commerce President) on Thursday, 9 May 2013 to discuss continued delays by Coles and agreed to meet with shop owners following the site visit scheduled for Friday, 17 May 2013 and report back the outcome of the discussions with Coles and the findings of the Construction and Accessibility Consultant's report.

A timeline of actions in 2013 is listed below:

Date	Description
4/02/13	Meeting between Council and Coles regarding installation of public art in the development 'Village square' and to formulate a way forward regarding the suspension of installation.
6/02/13	Letter from Council to Coles regarding public art installation in the 'Village square' stating no cost liability would be accepted until the whole project was handed over.
25/02/13	Representations from Coles for partial handover of the Village Square to Council at site meeting. Mark up plan presented by Coles at site meeting between Council and Coles senior management.
5/03/13	Letter from Acting General Manager (Council) to Non-Executive Chairman of Wesfarmers Limited to keep the community fully informed about progress of the development and compliance with the communications strategy as per the development deed.

ITEM 11 (continued)

Date	Description
8/03/13	Meeting with Councillors, Council and Coles' senior management on site to discuss delays in the development and outstanding communication issues. License signed for community liaison site office.
19/03/13	Council resolution not to accept the partial handover of the Village square, Council report dated 21 March 2013, item 25, BP13/400.
20/03/13	Revised roadwork drawings submitted by Coles seeking to simplify design.
22/03/13	Community liaison site office opened to public by Coles.
26/03/13	Letter from Acting General Manager (Council) to Coles regarding proposed design changes to roadworks for the development and process for approval (ATTACHMENT 1).
5/04/13	Letter from Coles to Council advising timeline for the development as roadworks complete by mid October 2013; basement carparks by February 2014 and Coles supermarket by March 2014 (ATTACHMENT 2).
17/04/13	Working party meeting with Councillors, Council and Coles senior management to discuss progress of roadworks / supermarket / apartments; early opening of basement carparks ** (refer to item below for further detail); and consultation with West Ryde Chamber of Commerce.
17/4/13	<p>** In order for the basement carparks to be opened, and due to safety and risk concerns, Coles be advised that the handover of the Village Square cannot be accepted until the following is undertaken:</p> <ol style="list-style-type: none"> 1 The stormwater drainage works on Anthony Road is completed and verified. 2 The pedestrian crossing on Anthony Road is completed and verified. 3 The basement carparks (under the supermarket) is commissioned and ready to be opened to the public. <p>In order to investigate the potential early opening of the basement carparks, Council staff have engaged an independent access consultant, Morris Goding and Associates to review the site.</p>
2/05/13	Progress made on site this week with the installation of the Public Art component in the Village Square called the "West Ryde Origami Horses" (ATTACHMENT 3).

ITEM 11 (continued)

It is noted that the following items resolved by Council are complete:

- (a) Council notes the information in the report (*Complete*)
- (b) The Acting General Manager and Mayor be requested to make representations to Coles (*ongoing*)
- (c) to implement the communications strategy dated September 2010 and to ensure that the agreed 'shop front' is in place (*Complete*)
- (d) The Acting General Manager request a project timeframe from Coles (*Complete*)
- (e) That Council express its concern and emphasise the impact their construction is having on local businesses in West Ryde (*Complete*)

ITEM 11 (continued)

ATTACHMENT 1




Lifestyle and opportunity @ your doorstep

Mr Greg Chubb
Director - Property
Coles Group Property Developments Ltd
L3 M6 / 800 Toorak Road
Hawthorn East, Victoria 3123

27 March 2013

Our ref: PM2010/36/003

West Ryde Urban Village roadwork changes

Dear Walter,

Thank you for your time today in arranging the onsite meeting to discuss the requested changes to the approved road works for the West Ryde Urban Village project.

As requested following the site walkthrough and input provided by members of Coles, City of Ryde (Mayor in attendance) and West Ryde Chamber of Commerce we are writing to advise Coles on the process and timeframes for assessment of the revised road works drawings received on March 20 2013.

Our advice is as follows:

- The governance framework for the traffic and pedestrian movement scheme, 40km/h High Pedestrian Activity Area (HPAA), is wholly managed by the Roads and Maritime Services (RMS) from a consent (approval) perspective.
- The requested changes are such that they must be reviewed within the HPAA assessment framework. The reassessment may open a segue for the consent authority (RMS) to impose further requirements on the project from a traffic and pedestrian movement perspective that may be detrimental to the project timeline.
- Council will provide advice on whether further risk audits are required following advice from a road safety auditor / RMS.

Should Coles wish to proceed with the reassessment process then the drawings sent from Coles to Council on 20 March 2013 must have a schedule attached identifying changes compared against the approved drawings dated 20 September 2012. Whilst Council will commence assessment it will be necessary to have this additional information to finalise our review.

Once the above is received Council will complete our assessment based on advice from an external road safety auditor and the RMS. This process is subject to external resource availability and is estimated at 2 weeks. The final approval will be pending from RMS and no timeframe can be given as this is managed by the RMS.

I trust this clarifies matters.

Yours Sincerely,



Danielle Dickson
Acting General Manager



Bruce McCann
General Counsel

Civic Centre 1 Devlin Street, Ryde NSW
Ryde Planning and Business Centre
1 Pope Street, Ryde (Below Ryde Library)

Post Locked Bag 2069, North Ryde NSW 1670
Email cityofryde@ryde.nsw.gov.au
www.ryde.nsw.gov.au

Customer Service (02) 9952 8222
TTY (02) 9952 8470 Fax (02) 9952 8070
Translating and Interpreting Service 131 450

ITEM 11 (continued)

ATTACHMENT 2



5 April 2013

The A/General Manager
City of Ryde Council
Civic Centre
1 Devlin Street
RYDE NSW 2112

Attention: Ms Danielle Dickson

Dear Danielle,

Re: West Ryde Urban Village Development

I write in relation to our recent meeting on 8 March 2013 attended by our Greg Chubb, myself, Mayor Ivan Petch, Cllrs Pendleton, Pickering, Yedelain and Maggoi, Angela Blayney-Jones, Bruce McCann, Peter Nyugen and yourself wherein we discussed Council's resolution seeking a development milestone timeframe from Coles in respect to the abovementioned development.

As outlined at this meeting, we explained to the attendees that Coles entered into the West Ryde Urban Village Development by inheriting the agreement obligations established between Remo West Ryde Pty Ltd and the Council of the City of Ryde.

As a consequence and in an effort to expedite the development process Coles entered into the building contract with Builtform Constructions upon the recommendation of Remo.

Council would be fully familiar with the fact that there is only one (1) timeframe obligation established in the documents originally agreed between Council and Remo, that being for the delivery of the Village Square by December 2013.

Otherwise Coles is pursuing the contractual obligations entered into with both Builtform Constructions in respect to the construction of the Community Centre (identified as Separable Portion 1 – SP1) and the Village Square, Basement Levels B1 & B2 and the Ground Floor Retail Stratum (identified as Separable Portion 2 – SP2) and the adjacent stormwater/roadworks approved by Council in Market Street, Dickson Avenue, Chatham Road, New Betts Street and Anthony and Reserve Roads.

Notwithstanding delays arising from detecting contaminated material in the Council carpark site that required remediation, significant delays due to inclement weather during the course of the basement excavations and the failure of Sydney Water's adjacent sewer main the failure of which contributed to a major contamination the site with effluent requiring subsequent clean up, the abovementioned scope of works remains within the adjusted contract extensions of time provisions with an adjusted contract completion date on or before mid-October 2013.

Coles Group Property Developments Ltd ABN 72 004 428 326
6 Giffnock Avenue, Macquarie Park NSW 2113
Telephone 61 2 9919 1412 Facsimile 61 2 9919 1566
Mobile 0439 290 970

ITEM 11 (continued)

ATTACHMENT 2

Council's Administration attendees and Coles have been advised by the Contractor at Council's PCG meetings that he anticipates current roadworks to be completed within the following timeframes: -

1. Roadworks directly associated with the existing SP2 allotments (i.e. Market, Dickson, Chatham, New Betts Street and the northern portion of Anthony Road) by **mid- May 2013** subject to any adjustments due to inclement weather delays; and
2. The scope of road/stormwater works in Anthony and Reserve Roads associated with the SP1 is anticipated to be completed by late August/early September 2013 potentially inside the current adjusted Contract Practical Completion date of **17 October 2013** again subject to any adjustments due to inclement weather.

Coles has continued to review the above dates with the Contractor and most recently with Council in respect to the scope of the roadworks in order to assess if both the scope and timeframe can be effectively improved. Hence the SP2 scope modifications are currently with Council for its consideration and the SP1 component of roadworks will also shortly be issued to Council for further due consideration.

However as expressed by Council at our 8 March meeting, both Council and the local business community remains mindful and focussed on when access to and public use of the basement level carparking will become available.

I reconfirm our previous advice that although the structure of the basement levels and the ground floor retail shell have now been constructed, viable access to the basement carparks remains contingent on the provision of vertical transportation (i.e. Lift and Travelators) and mechanical ventilation being completed, commissioned and certified for safe use by the public.

It must also be realised that this development has from the outset reflected a mixed use retail and residential development with accessibility to the ground floor level for fitout purposes only capable of commencing after the construction of the residential carpark levels above the retail level being completed. Once that is done, the back propping supporting such overhead slab construction can be removed by the Residential Developer, not Coles.

Please note that Council should also be aware that the prospective Residential Developer at this time who has the 1st right to exercise an option to purchase the residential stratum, is West Ryde Developments Residential Pty Ltd (WRDR) a Remo related entity.

Accordingly, the earliest contractual opportunity at which time Coles can invite WRDR to exercise its rights would at the completion of the SP2 roadworks which at this stage the Contractor advises would be mid-May 2013. However, there is no reason why WRDR could not in fact agree to commence now to an earlier start date if they were so inclined to do so.

Alternatively if the exercising of the option by Remo remains say at mid-May 2013, then they would need to complete the 2 residential carpark levels above the ground floor retail stratum within 3 months (say by **end August 2013**) before Coles could commence the abovementioned fitout works to the retail and basement levels.

Based on the above potential implementation process, Coles would then work towards an **end-March 2014** opening date at best with the carpark levels likely to open by **late February 2014**.

ITEM 11 (continued)

ATTACHMENT 2

Notwithstanding the above timeline, Coles remains committed to working with all relevant parties, including Council, to realise an improved timeframe and I again note that we believe the opening up of the Village Square precinct continues to remain available to Council pursuant to the installation of the artwork that has been instructed to proceed with a likely completion date within 3-weeks from now.

I trust the above now provides Council with the requested target milestone dates requested and we will endeavour to update this timeline on a monthly basis hereafter.

May I also confirm that should your Councillors have any further queries, Coles would welcome the opportunity of briefing them as soon as they find to be practical.

Yours sincerely,



Walter Kullen
Senior Development Manager NSW
Coles Group Property Developments Ltd
E-mail: walter.kullen@coles.com.au

ITEM 11 (continued)

ATTACHMENT 3

Photos of the Public art 'Origami Horses' at West Ryde Urban Village



ITEM 11 (continued)

ATTACHMENT 4

West Ryde Urban Village Working Party Meeting

Meeting Date: Wednesday 17 April 2013
Location: Civic Centre, Level 5, Committee Room 1
Time: 11.00am

Invitees:	
Councillor Ivan Petch, Mayor	City of Ryde Mayor
City of Ryde Councillors	
Danielle Dickson	City of Ryde Acting General Manager
Greg Chubb	Coles – Director Property
Walter Kullen	Coles – Senior Development Manager NSW
David Tompkins	West Ryde Chamber of Commerce
Bruce McCann	City of Ryde
Angela Jones-Blayney	City of Ryde
Paul Yang	City of Ryde
Apologies:	
Peter Nguyen	City of Ryde

NOTICE OF BUSINESS

Chaired by Councillor Ivan Petch, Mayor, City of Ryde

Road works

1. Commencement of work not in accordance with approved for Construction plans (Drainage works on Chatham Road corner Dickson Avenue). Revised plans to be submitted to Council for approval
2. Progress of Councils review of amended plans. Council had received the independent Road Safety Auditor's report which states some changes require approval from the Roads and Maritime Services. A copy of the report was given to Coles at a following Project Control Group meeting held on the same day. Coles indicated they would make the application directly to the RMS. Council's role is to advise whether the changes required a revision of the approval from the RMS – Current approval is dated 20 March 2012.

Refer to **ATTACHMENT 1**: Letter to Coles re: roadwork changes dated 26 March 2013

ITEM 11 (continued)

ATTACHMENT 4

Timeframe

1. Revisit potential early opening of Council's Basement Carpark. The Acting General Manager made representations to Coles to investigate an early opening of the basement carpark through the use of construction methods and security staff. Reference was made to access to similar developments under construction such as the Westfield on Pitt Street, Sydney.

Coles' Greg Chubb stated he would further investigate the possibility but would not give a commitment. Council stated that it would consider accepting the early handover of the Village Square if the basement carparks could be opened earlier than **Late February 2014** in **ATTACHMENT 2**; letter from Coles dated 5 April 2013.

Coles presented the status of their contractual relationship with the residential developer, West Ryde Developments Residential Pty Ltd whose director is Adrian Mastronardo. This company holds the first right of refusal (option) for the purchase of the residential stratum above the Coles Development at West Ryde. The earliest contractual opportunity for this was advised by Coles to be the completion of roadworks in late May 2013 – however there is no reason why West Ryde Developments Residential Pty Ltd could not commence at an earlier start date, stated by Coles to be Dec 2012.

Current issues are the possibility of a new development application or Section 96 application being lodged by West Ryde Developments Residential Pty Ltd to increase the height of the residential apartments. Council advised that this would most unlikely to be supported.

Coles' Greg Chubb advised he was meeting with West Ryde Developments Residential Pty Ltd on the afternoon of 17 April 2013 to expedite construction of the residential carparks above the Coles development. This must be completed before fit out of the supermarket can commence. He also advised that the dates indicated in attachment 2: Letter from Coles dated 5 April 2013 was 'unacceptable' and Coles was working towards an improved timeline. Current dates are **end March 2014** for the supermarket and **Late February 2014** for the basement carparks.

Consultation

1. Issues from West Ryde Chamber of Commerce

Presentation by president of West Ryde Chamber of Commerce, David Tompkins strongly advocating a completion of the project and making available basement parking as soon as possible. He indicated that the West Ryde Chamber of Commerce welcomed Coles and the residential development but expressed the frustration and desperation of his members over the duration of the development