

Wail Thomas

From: Wesley Jones <wesley.jones@hunterwater.com.au>
Sent: Tuesday, 25 July 2017 9:21 AM
To: Nicky Watson; Idenny@swpartners.com.au
Cc: Wail Thomas
Subject: RE: Westfield Kotara

Good morning Nicky and Luke,

As discussed, please see the updated terms for concurrent Construction Certificate to extend the agreement to include Early Works (demolition, piling and structural strengthening) as specified in previous correspondence.

I refer to your request for Hunter Water's concurrence for a Construction Certificate to be issued to undertake Early Works (demolition, piling and structural strengthening) on the development of additional retail tenancies & carpark (5,585m²) at Lot 19 DP 876517, 89 Park Avenue, Kotara, prior to the issue of a Section 50 Compliance Certificate. The following matters are pertinent to this request:

- **Condition 13** of the development consent issued by Newcastle City Council on 27 March 2017 (Application No. 2016/00733) requires a Section 50 certificate to be issued prior to a Construction Certificate.
- **Condition 14** of the development consent states the following – "*The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control.*"
- You are of the view that these conditions are not possible based on the construction works for both certificates being carried out in parallel.
- You wish to undertake work prior to the issue of the Section 50 Compliance Certificate.
- In particular the Notice advises that the Developer will be responsible for any damage that may be caused to the Assets during construction and costs of any subsequent repairs and/or third party injury or damage caused by failure of the Assets during construction.
- In regards to this condition, I refer you to Clause 25 of the *Hunter Water Act 1991* (Interference with works) which requires that the owner of the land upon which an asset of the Hunter Water Corporation is located must ensure that:
 - (a) The work or any structure owned by, or under the control or management of, the Corporation is not wilfully or negligently destroyed, damaged or interfered with, and
 - (b) The Corporation and authorised persons are not delayed or obstructed in and about the taking, in relation to the work, of any of the steps referred to in section 19 (2), and
 - (c) No structure is placed in, on or near the work in a manner that interferes with the operation of the work, and
 - (d) Ground is not opened to expose an pipe or other work of the Corporation without reasonable excuse, or the consent of the Corporation, and without giving the Corporation at least 2 days written notice of intention to open the ground unless that requirement is waived by the Corporation.

I wish to advise the Hunter Water is willing for a Construction Certificate to be issued for Early Works (demolition, piling and structural strengthening) prior to the issue of a Section 50 Compliance Certificate subject to the following conditions:

1. A Section 50 Compliance Certificate will be required prior to the issue of the occupancy certificate for the retail space, associated car parking and relocation of Kmart auto;
2. The conditions set out in Hunter Water's Notice of Requirements issued on 29 July 2016 are to be complied with;

3. The conditions of Clause 25 of the *Hunter Water Act 1991* are to be complied with;
4. Appropriate notice of any works in the vicinity of the Assets is to be provided in accordance with the conditions of the Notice Letter and Clause 25 of the *Hunter Water Act 1991*; and
5. Both Scentre Custodian Pty Ltd and the Principle Certifying Authority for the project (Luke Denny of Steve Watson & Partners) are to notify acceptance of conditions 1 and 4 above in writing prior to any work commencing.

Please note that this offer is for a Construction Certificate to undertake Early Works (demolition, piling and structural strengthening) at the development site. If additional Construction Certificates are required prior to the issue of a Compliance Certificate, a new request will need to be lodged with Hunter Water.

Regards,

Wesley Jones

Acting Developer Services Engineer | Hunter Water Corporation
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Hunter Water's charity partner the Hunter Medical Research Institute (HMRI) helps find better treatments, cures and preventions for health issues that impact us all. To continue this vital work, they need our community's ongoing support. Please help HMRI to continue their life-changing research. Visit hmri.org.au to learn more.

UPCOMING EVENT: HMRI Open Day, 6 October 2017

From: Wesley Jones

Sent: Friday, 16 June 2017 10:47 AM

To: 'Nicky Watson' <NWatson@Scentregroup.com>; 'ldenny@swpartners.com.au' <ldenny@swpartners.com.au>

Cc: Wail Thomas <WThomas@Scentregroup.com>; 'Adam Shaw' <adam@gca.net.au>

Subject: RE: Westfield Kotara

Good morning Nicky and Luke,

I refer to your request for Hunter Water's concurrence for a Construction Certificate to be issued to undertake demolition works on the development of additional retail tenancies & carpark (5,585m²) at Lot 19 DP 876517, 89 Park Avenue, Kotara, prior to the issue of a Section 50 Compliance Certificate. The following matters are pertinent to this request:

- Condition 13 of the development consent issued by Newcastle City Council on 27 March 2017 (Application No. 2016/00733) requires a Section 50 certificate to be issued prior to a Construction Certificate.
- Condition 14 of the development consent states the following – *"The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control."*
- You are of the view that these conditions are not possible based on the construction works for both certificates being carried out in parallel.
- You wish to undertake work prior to the issue of the Section 50 Compliance Certificate.

- In particular the Notice advises that the Developer will be responsible for any damage that may be caused to the Assets during construction and costs of any subsequent repairs and/or third party injury or damage caused by failure of the Assets during construction.
- In regards to this condition, I refer you to Clause 25 of the *Hunter Water Act 1991* (Interference with works) which requires that the owner of the land upon which an asset of the Hunter Water Corporation is located must ensure that:
 - (e) The work or any structure owned by, or under the control or management of, the Corporation is not wilfully or negligently destroyed, damaged or interfered with, and
 - (f) The Corporation and authorised persons are not delayed or obstructed in and about the taking, in relation to the work, of any of the steps referred to in section 19 (2), and
 - (g) No structure is placed in, on or near the work in a manner that interferes with the operation of the work, and
 - (h) Ground is not opened to expose an pipe or other work of the Corporation without reasonable excuse, or the consent of the Corporation, and without giving the Corporation at least 2 days written notice of intention to open the ground unless that requirement is waived by the Corporation.

I wish to advise the Hunter Water is willing for a Construction Certificate to be issued for demolition works prior to the issue of a Section 50 Compliance Certificate subject to the following conditions:

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2. The conditions set out in Hunter Water's Notice of Requirements issued on 29 July 2016 are to be complied with;
3. The conditions of Clause 25 of the *Hunter Water Act 1991* are to be complied with;
4. Appropriate notice of any works in the vicinity of the Assets is to be provided in accordance with the conditions of the Notice Letter and Clause 25 of the *Hunter Water Act 1991*; and
5. Both Scentre Custodian Pty Ltd and the Principle Certifying Authority for the project (Luke Denny of Steve Watson & Partners) are to notify acceptance of conditions 1 and 4 above in writing prior to any work commencing.

Please note that this offer is for a Construction Certificate to undertake demolitions works at the development site. If additional Construction Certificates are required prior to the issue of a Compliance Certificate, a new request will need to be lodged with Hunter Water.

If you have any questions about the above, please do not hesitate to contact me.

Regards,

Wesley Jones

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From: Nicky Watson [<mailto:NWatson@Scentregroup.com>]

Sent: Monday, 5 June 2017 8:54 AM

To: Wesley Jones <wesley.jones@hunterwater.com.au>; adam@gca.net.au

Cc: Wail Thomas <WThomas@Scentregroup.com>; Matthew Fisk <MFisk@Scentregroup.com>; Brett Lewis <brett.lewis@hunterwater.com.au>

Subject: RE: Westfield Kotara

Good morning Wes,

I trust you had an enjoyable weekend.

Adam from GCA lodged the response to your queries and drawings on Thursday 1 June. Please find attached the plans, our consultant reference no. is 16135.

What's the process from now? We are seeking to start onsite on 3 July 2017.

Also what's the best way to formalise our agreement to undertake the sewer works concurrently with other build works?

We are available to meet with you this Thursday 8th. Once you have had a chance to review the attached, let's have a chat via phone.

Thanks,

Nicky Watson

Development Executive
Scentre Group Development & Strategic Asset Management

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Please note my mobile number has recently changed.

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SCENTRE GROUP

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