

Developer Works Deed

Case number: **##Case_Number##**

Site: **##Lead_Address##**

Type of works:

- Drinking water
- Recycled water
- Wastewater – major
- Wastewater – minor
- Stormwater

By signing this Deed, all parties acknowledge that they have read Developer Works Deed Schedule 1: Standard Terms, Version 5, available from www.sydneywater.com.au.

(Applicant WSC reference: **##WSC_Ref##**)

Contents

About this Deed	3
Part A Entering into the agreement	4
A1 Legal capacity and authorisations	4
A2 Power of attorney	4
A3 Entire agreement	4
A4 Power and authority to enter agreement	4
Part B Using the Deed documents	5
B1 What makes up the Deed.....	5
B2 How the Deed operates	5
Part C Executing this Deed	6
Executed as a deed	6

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About this Deed

Developer Works

Case number: *[insert Case number]*

Site: *[insert development address]*

Parties

Sydney Water: Sydney Water Corporation ABN: 49776 225 038

Developer: *[insert name]* ABN: *[insert ABN]*

WSC: *[insert name]* ABN: *[insert ABN]*

Designer: *[insert name]* ABN: *[insert ABN]*

Constructor: *[insert name]* ABN: *[insert ABN]*

Background

- (a) The Developer wants to carry out the Developer Works and has lodged an e-Developer Application with Sydney Water.
- (b) Sydney Water has responded to the e-Developer Application with a Notice of Requirements (NOR).
- (c) The Developer wants to go ahead and all parties involved in the works record their rights and obligations in this Developer Works Deed.

Agreement

- (a) The Developer is responsible for the Developer Works.
- (b) Each party must perform the obligations imposed on it by the Developer Works Deed.

Part A Entering into the agreement

A1 Legal capacity and authorisations

Each party warrants that:

- (a) it has full legal capacity and power to:
 - (i) own its property and carry on its business
 - (iii) enter into this agreement and carry out the transactions it covers
- (b) it holds each authorisation necessary to:
 - (i) properly execute this document and carry out the transactions
 - (ii) make this document legal, valid, binding and admissible in evidence
 - (iii) properly carry on its businessand it is complying with any conditions of these authorisations
- (c) it is not entering into this agreement as a trustee of any trust or settlement.

A2 Power of attorney

Each person who executes this document under a power of attorney declares that he or she is not aware of any fact or circumstance that might affect his or her authority to do so.

A3 Entire agreement

The agreement constitutes the entire agreement between the parties in relation to the works and supersedes all prior representations, agreements, promises, understandings and commitments, whether oral or in writing, between the parties concerning the works. The Developer, Water Servicing Coordinator, Designer and Constructor warrant to Sydney Water that neither party has entered into this agreement in reliance upon such representations, agreements, promises, understandings or commitments with or on the part of Sydney Water

A4 Power and authority to enter agreement

Each party represents and warrants that it has the full power to enter into and perform its obligations under this agreement and that when executed will constitute legal, valid and binding obligations under its terms.

Part B Using the Deed documents

B1 What makes up the Deed

The parties agree that the Developer Works Deed comprises:

- (a) this document and the conditions it contains
- (b) the Standard Terms in Schedule 1 to this document (version 4), except where another Deed document [see B1(d)] changes or overrules them
- (c) any other schedules or annexures to this document
- (d) any other document referred to in the Deed as forming part of it, including the Notice of Requirements and the Job Specific Schedule Letter (for Major Works only)
- (e) Sydney Water's Provider Instructions.

B2 How the Deed operates

- (a) The Developer Works Deed makes up the entire agreement between the parties about the Developer Works. It completely replaces any previous understanding, agreement or warranty.
- (b) The Developer Works Deed is not a construction contract or arrangement, as defined in the *Building and Construction Industry Security of Payments Act 1999* (NSW), between Sydney Water and any other party.
- (c) The Developer Works Deed applies to any Developer Works that are performed before the Deed itself is executed.
- (d) Where possible, any provision that is unenforceable, or partly unenforceable, must be severed as much as is needed to make the Deed enforceable, unless this would materially change the intended effect of this document.
- (e) Each party, its staff and agents must do anything (including execute any document) that the other party might reasonably require to give full effect to this Deed.
- (f) If the Constructor is engaged after Sydney Water has executed this Deed, the Developer must:
 - (i) provide the Constructor with a copy of the executed Developer Works Deed;
 - (ii) ensure that the Constructor executes the Deed Poll (see Schedule 3);
 - (iii) deliver the executed Deed Poll to Sydney Water before the Construction; and Commencement Notice is issued.
- (g) The Developer Works Deed may be executed in counterparts.

Part C Executing this Deed

Executed as a deed

Date

[insert execution date]

SYDNEY WATER

SIGNED for **Sydney Water**:

Name of signatory

Signature of signatory

In the presence of:

Name of witness

Signature of witness

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DEVELOPER**Company with more than one director or secretary**EXECUTED by *[insert company name]:*

Name of director	Signature of director
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Name of secretary	Signature of secretary
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Company with a sole director and company secretaryEXECUTED by *[insert company name]:*

Name of sole director and company secretary	Signature of sole director and company secretary
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Party executing under power of attorneySIGNED for *[insert company name]* under power of attorney:

Name of attorney (who warrants authorisation to enter into this agreement)	Signature of attorney	Date of power of attorney
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In the presence of:

Name of witness	Signature of witness
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Party executing under delegated authoritySIGNED for *[insert company name]* under delegated authority:

Name of delegated person (who warrants authorisation to enter into this agreement)	Signature of delegated person	Position of delegated person and date of delegated authority
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In the presence of:

Name of witness	Signature of witness
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Partner to an unincorporated partnershipEXECUTED by *[insert company name]* on behalf of *[insert partnership name]:*

Name of partner	Signature of partner
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In the presence of:

Name of witness	Signature of witness
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WATER SERVICING COORDINATOR**Company with more than one director or secretary**EXECUTED by *[insert company name]:*

Name of director	Signature of director
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Name of secretary	Signature of secretary
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Company with a sole director and company secretaryEXECUTED by *[insert company name]:*

Name of sole director and company secretary	Signature of sole director and company secretary
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Party executing under power of attorneySIGNED for *[insert company name]* under power of attorney:

Name of attorney (who warrants authorisation to enter into this agreement)	Signature of attorney	Date of power of attorney
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In the presence of:

Name of witness	Signature of witness
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Party executing under delegated authoritySIGNED for *[insert company name]* under delegated authority:

Name of delegated person (who warrants authorisation to enter into this agreement)	Signature of delegated person	Position of delegated person and date of delegated authority
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In the presence of:

Name of witness	Signature of witness
-----------------	----------------------

Partner to an unincorporated partnershipEXECUTED by *[insert company name]* on behalf of *[insert partnership name]:*

Name of partner	Signature of partner
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In the presence of:

Name of witness	Signature of witness
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DESIGNER**Company with more than one director or secretary**EXECUTED by *[insert company name]:*

Name of director	Signature of director
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Name of secretary	Signature of secretary
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Company with a sole director and company secretaryEXECUTED by *[insert company name]:*

Name of sole director and company secretary	Signature of sole director and company secretary
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Party executing under power of attorneySIGNED for *[insert company name]* under power of attorney:

Name of attorney (who warrants authorisation to enter into this agreement)	Signature of attorney	Date of power of attorney
--	-----------------------	---------------------------

In the presence of:

Name of witness	Signature of witness
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Party executing under delegated authoritySIGNED for *[insert company name]* under delegated authority:

Name of delegated person (who warrants authorisation to enter into this agreement)	Signature of delegated person	Position of delegated person and date of delegated authority
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In the presence of:

Name of witness	Signature of witness
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Partner to an unincorporated partnershipEXECUTED by *[insert company name]* on behalf of *[insert partnership name]:*

Name of partner	Signature of partner
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In the presence of:

Name of witness	Signature of witness
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CONSTRUCTOR**Company with more than one director or secretary**EXECUTED by *[insert company name]:*

Name of director	Signature of director
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Name of secretary	Signature of secretary
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Company with a sole director and company secretaryEXECUTED by *[insert company name]:*

Name of sole director and company secretary	Signature of sole director and company secretary
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Party executing under power of attorneySIGNED for *[insert company name]* under power of attorney:

Name of attorney (who warrants authorisation to enter into this agreement)	Signature of attorney	Date of power of attorney
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In the presence of:

Name of witness	Signature of witness
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Party executing under delegated authoritySIGNED for *[insert company name]* under delegated authority:

Name of delegated person (who warrants authorisation to enter into this agreement)	Signature of delegated person	Position of delegated person and date of delegated authority
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In the presence of:

Name of witness	Signature of witness
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Partner to an unincorporated partnershipEXECUTED by *[insert company name]* on behalf of *[insert partnership name]:*

Name of partner	Signature of partner
-----------------	----------------------

In the presence of:

Name of witness	Signature of witness
-----------------	----------------------

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