

# Developer Works Deed

## Schedule 2: Novation 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](http://www.sydneywater.com.au).

(Applicant WSC reference: **##WSC\_Ref##**)

# Contents

---

<b>About this Deed .....</b>	<b>3</b>
<b>Part A Confirming new obligations .....</b>	<b>4</b>
A1 Novation .....	4
A2 Future obligations .....	4
A3 Existing obligations .....	4
<b>Part B Entering into this agreement .....</b>	<b>5</b>
B1 Legal capacity and authorisations .....	5
B2 Power of attorney .....	5
B3 Notices.....	5
<b>Part C Understanding this document.....</b>	<b>6</b>
C1 How the Deed operates .....	6
C2 Definitions.....	6
<b>Part D Executing this Deed .....</b>	<b>7</b>

---

## Copyright and disclaimer

© Sydney Water Corporation (Sydney Water) ABN 49 776 225 038. Except as permitted under the *Copyright Act 1968* (Cth), no part of this document may be copied, reproduced or extracted by any means (including electronic data storage) without prior written permission of Sydney Water. Permission is given to use this document only to carry out the Developer Works. Sydney Water accepts no liability if these documents are used for any other purpose.

---

**WARNING – Document current at time of printing or downloading**

## About this Deed

---

### Developer Works

Case number: *[insert Case number]*

Site: *[insert development address]*

### Execution dates

Developer Works Deed: *[insert execution date]*

Novation Deed: *[insert execution date]*

### New party

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

### Outgoing party

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

### Continuing parties

Sydney Water: Sydney Water Corporation ABN: 49776 225 038

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

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

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

### Summary of agreement

The Continuing Parties and the Outgoing Party are parties to the Principal Document.

The New Party will replace the Outgoing Party under the Principal Document.

## Part A Confirming new obligations

---

### A1 Novation

From the Stated Time, the parties novate the Principal Document so that:

- (a) the New Party replaces the Outgoing Party
- (b) the New Party has all the rights and obligations of the Outgoing Party that arise after the Stated Time
- (c) the New Party and the Continuing Parties are bound by and must comply with the Principal Document

as if the New Party were a party to the Principal Document instead of the Outgoing Party.

### A2 Future obligations

From the Stated Time, the Continuing Parties and the Outgoing Party:

- (a) have no further rights against each other under the Principal Document other than those that arose before the Stated Time
- (b) release each other from all obligations and liabilities under the Principal Document other than those that arose before the Stated Time.

### A3 Existing obligations

The Continuing Parties and the Outgoing Party continue to be responsible for all obligations and liabilities under the Principal Document that arose before the Stated Time.

## Part B Entering into this agreement

### B1 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
  - (ii) 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 business
 and 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.

### B2 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.

### B3 Notices

- (a) Any notices or communications given to a party under this document will be in line with the Standard Terms in Schedule 1.
- (b) The contact details of the New Party and Outgoing Party are set out below.

Contact details	New Party	Outgoing Party
Postal address:	<i>[insert details here and below]</i>	<i>[insert details here and below]</i>
Email address:		
Fax number:		
Contact name:		

**WARNING – Document current at time of printing or downloading**

## Part C Understanding this document

---

### C1 How the Deed operates

- (a) This document contains the entire agreement between the parties about the Developer Works. It completely replaces any previous understanding, agreement, or warranty.
- (b) 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.
- (c) 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.
- (d) This document may be executed in counterparts.

### C2 Definitions

In this document, please note that a word:

- derived from a defined word has the corresponding meaning
- importing a gender includes all genders
- in the singular includes the plural, and vice versa.

Effective Date	The date of this document.
Principal Document	Developer Works Deed for <i>[insert development address]</i> dated <i>[insert Developer Works Deed execution date]</i> .
Stated Time	5 pm on the Effective Date.

See also the Developer Works Deed for more definitions.

## Part D Executing this Deed

---

### Executed as a deed

#### Sydney Water

SIGNED for **Sydney Water**:

---

Name of signatory

Signature of signatory

In the presence of:

---

Name of witness

Signature of witness

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

---

Name of director	Signature of director
------------------	-----------------------

---

Name of secretary	Signature of secretary
-------------------	------------------------

**Company with a sole director and company secretary**EXECUTED by *[insert company name]*:

---

Name of sole director and company secretary	Signature of sole director and company secretary
---	--

**Party executing under power of attorney**SIGNED 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
-----------------	----------------------

**Party executing under delegated authority**SIGNED 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
--	-------------------------------	--

In the presence of:

---

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

**Partner to an unincorporated partnership**EXECUTED 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
-----------------	----------------------

**WARNING – Document current at time of printing or downloading**



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

---

Name of director	Signature of director
------------------	-----------------------

---

Name of secretary	Signature of secretary
-------------------	------------------------

**Company with a sole director and company secretary**EXECUTED by *[insert company name]*:

---

Name of sole director and company secretary	Signature of sole director and company secretary
---	--

**Party executing under power of attorney**SIGNED 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
-----------------	----------------------

**Party executing under delegated authority**SIGNED 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
--	-------------------------------	--

In the presence of:

---

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

**Partner to an unincorporated partnership**EXECUTED 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
-----------------	----------------------

---

**WARNING – Document current at time of printing or downloading**



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

---

Name of director	Signature of director
------------------	-----------------------

---

Name of secretary	Signature of secretary
-------------------	------------------------

**Company with a sole director and company secretary**EXECUTED by *[insert company name]*:

---

Name of sole director and company secretary	Signature of sole director and company secretary
---	--

**Party executing under power of attorney**SIGNED 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
-----------------	----------------------

**Party executing under delegated authority**SIGNED 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
--	-------------------------------	--

In the presence of:

---

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

**Partner to an unincorporated partnership**EXECUTED 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
-----------------	----------------------

**WARNING – Document current at time of printing or downloading**



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

---

Name of director	Signature of director
------------------	-----------------------

---

Name of secretary	Signature of secretary
-------------------	------------------------

**Company with a sole director and company secretary**EXECUTED by *[insert company name]*:

---

Name of sole director and company secretary	Signature of sole director and company secretary
---	--

**Party executing under power of attorney**SIGNED 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
-----------------	----------------------

**Party executing under delegated authority**SIGNED 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
--	-------------------------------	--

In the presence of:

---

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

**Partner to an unincorporated partnership**EXECUTED 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
-----------------	----------------------

---

**WARNING – Document current at time of printing or downloading**

