

# Developer Deeds

## Frequently Asked Questions



### Your questions answered

#### Why is Coliban Water changing its current Letter of Conditions?

There are several benefits that include:

- Improving relationships – clarity around roles and responsibilities for all parties.
- Ensuring delivery of quality assets – clearer requirements and processes.
- Providing consistency across the water industry and aligning with other water agencies.
- Providing better protection – ensures appropriate insurances are held in line with industry expectations, including provision of public liability policies by the developer/landowner.

#### Will my Letter of Conditions remain current when the new Developer Works Deeds are introduced?

Yes. All letters that were issued prior to 1 July 2025 will remain in place for the balance of the 9-month validity period or extension period where applicable.

#### Will I be able to request an extension to the existing Letter of Conditions?

Yes. Where an existing Letter of Conditions expires, a request for extension of up to 9 months can be submitted. Please note a resubmission fee may apply.

#### When will Coliban Water sign the Developer Works Deed?

Coliban Water will sign the Developer Works Deed of Agreement (Deed) after it is returned by the Developer. We will sign the Deed if it has been correctly completed and signed by the Developer and any separate Owner. After signing we will return a signed copy.

After signing and return, the obligations about notification of the Suitably Qualified Contractor (if yet to occur) and notification of the commencement of construction, follow.

#### Will a five percent security be taken as default, or will it remain no security by default?

Defects Security was a matter that we left open in the survey for feedback, and we received support for taking 5% Security at Practical Completion. Initially, we will not apply a Defects Security requirement. However, please note we will likely introduce them over time, particularly for larger, higher value jobs.

#### Is the Registered Consultant the only party able to apply for a Developer Works Deed where new infrastructure is required, as part of the Developer Works process?

Under the Developer Installed Works process, only registered consultants can submit mains extension applications. Draft Developer Works Deeds are supplied after this application has been made.

#### I'm an infill developer. Do I need to sign a Developer Works Deed?

Developer Works Deeds are required for the construction of all new reticulated assets, or for amendments to existing Coliban Water assets. All other development works are considered Private Works and are managed through the Consent to Connect process.

#### Why is an application fee being applied?

The application fee is in line with the current fees and charges that are approved by the Essential Services Commission.

#### Will it cost more to complete my development?

No, all fees and charges remain unchanged for the current period in line with our approved 2023-2028 Price Submission.

Am I still required to make two applications for a Greenfield development project where a sewer pump station or water supply tank is required in addition to reticulation works?

Yes. Each component of the Developer Works require separate applications and issue of the relevant Deeds for execution which will include one for the reticulation works and the other for major infrastructure.

Due to the introduction of accreditation categories, you may find more than one accredited consultant is required for your development. It is expected that delivery of the sewer pump station or water supply tank works will continue to be delivered in parallel with any reticulation works, and by different contractors and/or suppliers.

Are the current Consultancy Agreements now void, or is the new agreement only for consultants that don't already have an agreement in place?

All current Consultancy Agreements will remain in place for works underway under the Letter of Conditions Developer Installed Works Process.

As a new Development is proposed, the Consultant for that Development will need to sign (move to) the new Consultancy Agreement. This because there are several differences in approach that need to be agreed.

What constitutes a Suitably Qualified Contractor for undertaking Developer Installed Works?

The documents have been amended to add some guidance as to what will be considered in relation to what will constitute a Suitably Qualified Contractor.

Coliban Water does not currently have an accredited list of contractors to undertake Developer Installed Works. Suitably qualified contractors refer to contractors that would have, but are not limited, to:

- holding of appropriate qualifications, accreditations or licences to undertake the relevant civil works;
- contractor maintaining appropriate insurances;
- contractors experience in relation to the particular Developer Works having regard to scope and complexity;
- record of the contractor including (if any) in relation Developer Works in the Coliban Water region.

Our expectation is that contractors are selected depending on the scale of works, and do not wish to exclude smaller plumbers from undertaking appropriate developer works.

We are aware accreditation arrangements of contractors are in place in other regions. However, as part of these changes we have not introduced such a system. It is likely more formal accreditation for Contractors will be introduced at a later date.

Will there be a "blacklist" of non-suitably qualified contractors, and if not, how will we be informed if Coliban Water has deemed someone non-suitable?

No. For each Development, the Consultant (and Developer) must give notice of the Contractor/s to be used. Ideally this will be in the Developer Works Deed, or if advised later, no later than 14 days before commencement. This will allow an opportunity for Coliban Water to raise any concerns about any particular Contractor (if required).

Do Coliban Water intend to implement accreditation codes for different classifications of works (sewer <3.5m deep, sewer >3.5m deep, etc.)?

Current accreditation is limited to water, sewer and pump stations under the new Registered Consultant Agreements. Contractors undertaking the works will require suitable qualifications for the class of works, such as trenching, confined space etc.

Does the estimated total cost of the works include design, approvals, project management and supervision of the works?

Acknowledging that the design and project management costs are generally for more than Coliban Water works, it is for, at minimum, only the contracted capital works if there are no reimbursable works.

It must include design, approvals, project management and supervision of the works if it is dealing with reimbursement amounts, including for any Shared Assets.

Can we expect to be asked to create easements through neighbouring private land as a standard now, or still assessed case by case? (i.e. Clause 17.1(b))

Coliban Water is considering a shift to a requirement for easements on private land, as is best practice and common through other regions. The documents make provision for that potential, while maintaining current practice of assessing the creation of easements on a case-by-case basis.

If applied then this will require the Developer to negotiate that easement acquisition, including any payment for creation of that easement right, as is common practice across the water industry.

## Why is there now a Step In clause for Coliban Water to take over a project before they take over the asset at Practical Completion?

This right to “Step In” which is considered likely to occur only in exceptional circumstances, applies to works both before and after Practical Completion.

## Why do decommissioned assets become the responsibility of the developer and compensation need to be paid for the residual value of the decommissioned or removed asset?

This is common practice across the industry when the need for decommissioning is driven by the development. There will be situations when it is not appropriate for the asset to be decommissioned or vested in the landowner which will be dealt with on a case-by-case basis in discussion with the landowner for the Development.

## The Deed Terms and Conditions note that the Developer Works Deed is to be completed prior to engagement of a contractor, however contractor details and contract amounts are required for the purposes of filling out the Deed?

Our preference is for the Contractor details to be included in the Developer Works Deed but note this may not always be possible.

The Developer Works Deed makes provision for advice to be given to Coliban Water, not less than 14 days before the contractor commences Works. This will, for example, allow the developer to check in with us about a proposed contractor before any construction contract is signed, if the developer wishes to take up that opportunity.

### For more information

You can learn more about our Developer Deeds on our website [here](#).

If you have any questions or require assistance, please call us on 1300 363 200, Monday to Friday between 8am and 5pm.

