



Developer Deeds stakeholder feedback report

Improving our approach and service for land development in our region

Barwon Water has reviewed the way it services customers developing land and connecting to our water and sewerage system.

Part of the review focused on the agreements Barwon Water has with the development community.

Agreements (now known as Deeds) have been developed for those customers who are developing land and those seeking accreditation when developing land on behalf of others.

The Deeds on land development are:

- Developer
- Private works

And the Deeds on accreditation are:

- Consultant accreditation
- Contractor accreditation

These Deeds will provide a number of benefits including:

- a modern and common approach to undertake works or services;
- clarity of roles and responsibilities of all parties involved, including Barwon Water;
- a defined administrative process.

This report provides a snapshot of your thoughts about the proposed Deeds that we tested with you in November 2017 and how we have responded to your feedback. We would like to thank all those who completed surveys or commented on the proposed Deeds for your considered and thoughtful contributions.

The Land Development and Accreditation Deeds have now been finalised in light of your feedback. The new Deeds will be implemented from Friday 16 March 2018.

What we heard

- The concept of using developer, consultant and contractor deeds is generally well accepted as they have proved effective in Melbourne for a number of years now;
- There was concern regarding the length of the deeds for small or one off developers;
- There was a high level of comfort regarding the concept of a performance management framework although further clarity was sought regarding how Barwon Water intends to act in this regard;

- There was a high level of comfort regarding the proposed accreditation categories although there was some concern expressed regarding the mandatory training requirements;
- There were requests for transition periods where Barwon Water has included additional requirements for certified management systems or training of Key Personal;
- Some of the clauses required clarification or modification particularly with each parties obligations relating to OHS.

What has changed?

The following table summarises the key changes we have made to our land development and accreditation deeds in light of the feedback provided by our stakeholders during the consultation process.

Topic	What we originally proposed	What we are changing	What this means for developers/consultants/contractors
Length of Deeds	The Deeds are a more detailed agreement and therefore more lengthy to current developer agreements. This is due to the need to properly define roles and responsibilities of all parties.	We have created a shortened letter of conditions for simple private works (that won't be in the format of a Deed). We have also modified the format of both the Developer and Private Works deeds so that many of the terms and conditions on the website. This won't remove the need for the Deed as proposed but will reduce the size of the documents handled.	All developments will need to agree to the letter of conditions or deed depending on the complexity of the development. This will be assessed by Barwon Water at the time of application. Execution of Developer deeds will be under the terms and conditions as published by the main body of the Deed on the website.
Duration of developer deeds	We extended the time to complete works to 18 months for Greenfield developments where shared assets, major infrastructure or a dual water supply is required. This is due to statistics showing these developments typically take longer than the current 12 month period.	We will allow 18 months to complete works for <u>all</u> Greenfield developments irrespective of assets being constructed.	Developers have more time to undertake works without being charged additional fees for a revised agreement or the need to seek a time extension (variation).
Insurance requirements for developers	We introduced the need for public liability insurance for developers. This was required to protect Barwon Water for incidents caused by the actions of developers staff or any non accredited contractors or consultants engaged by the developer.	For developments that meet the criteria of Simple Private Works (generally subdivisions of 3 lots or less, the developer will not be required to hold Public Liability insurance.	Small developers will not be required to provide public liability insurance. All developments requiring a Developer of Private Works deed will require the developer to hold public liability insurance.
Certification of Management Systems	We added a requirement for accredited contractors and consultants to maintain certified OH&S and Environmental Management Systems. Effective	Acknowledging the time and effort required to develop certify and	This means that 18 months after obtaining accreditation under the new system, you will

	management systems allow Barwon Water to provide less oversight and checking, reducing the time and cost for developers.	implement a system we are allowing a 18 month transition period.	need to provide certification and audit certificates for both systems.
Training requirements	Barwon Water has specified minimum mandatory training requirements in relation to each accreditation category	Barwon Water has relaxed some of the requirements from mandatory to desirable to conform with the requirements of the Melbourne Water Corporations. A 12 month transition period will also be offered for this requirement.	Consultants and Contractors need to familiarise themselves with the minimum training requirements for Key Personal. Where additional training is required this will need to be completed prior to the next annual accreditation declaration.
Security for Private Works	We added the requirement to provide security for Private Works projects. This will allow Barwon Water to rectify any faulty works not addressed satisfactorily by the developer and will also assist in ensuring the return of 'as constructed' plans.	Rather than requiring this security for all Private Works developments, instead we will limit the requirement to non-subdivision projects where there is no requirement for the developer to seek Statement of Compliance.	For developments that do not involve the sub division of land, all 'Completion of Works' requirements must be met prior to return of Private Works security.
Forms of Security	We proposed to only allow security in the form of a Bank Guarantee.	We are allowing security to be provided in the form of insurance bonds.	Developers have greater choice when providing security.
Timing of Security	We changed the requirement to provide security up front and at the time of execution rather than the end of the project. This was due to the high number of developers experiencing difficulties with the time required by financial institutions to provide the required bank guarantee, which in turn would delay Barwon Water's issuing of its consent to statement of compliance.	We are reverting back to our current practice of allowing security to be lodged at any time up until the completion of works (package submission).	Developers need to allow for the time required by financial institutions (or insurance providers) as Barwon Water will not issue Statement of Compliance until security has been lodged.
Timing of Activity Method Statements	We added the requirement for an Activities Method Statement (AMS) to be lodged at time of design submission, as we thought this would assist in the design audit of a complex works proposal.	We are allowing flexibility in the timing for submission of an AMS in understanding that a contractor may not have been appointed or consulted, or need to be consulted at the time of design.	Barwon Water will determine the timing for AMS submissions that will vary and be dependent on the nature of the proposed work.