



Performance Agreements in Advanced Works Agreement Areas

A developer's guide to obtaining an early clearance for subdivisions that are the subject of an Advanced Works Agreement

What are Performance Agreements?

Developers with an active Advanced Works Agreement (AWA) may request the early clearance of subdivision conditions before works required to provide water related services are completed. If acceptable to the Water Corporation, this can be done by the developer invoking the Performance Agreement aspect of their Advanced Works Agreement. This brochure summarises the Water Corporation's policy.

If the developer's request for a Performance Agreement is acceptable, there is still an obligation to meet the other conditions of the Land Development Agreement, before clearance is issued. The acceptance of a Performance Agreement request will be at the Water Corporation's discretion.

For works not covered by an Advanced Works Agreement see Information Sheet 47

What works can be the subject of an AWA Performance Agreement?

An AWA Performance Agreement will be acceptable for all stages of subdivision in an AWA area.

Steps to invoke the Performance Agreement aspect of an AWA

- 1) Complete a *Request to Invoke an AWA Performance Agreement*. The Corporation will then assess eligibility.
- 2) Pay the Performance Agreement administration fees.
- 3) The Developer acknowledges that the Corporation reserves the right to require that a financial security acceptable to the Corporation be lodged by the Developer.

Note: On completion of Steps 1 and 2, the Corporation is able to clear the condition related to the works component of your Land Development Agreement

- 4) At agreed dates, provide progress reports on the works to be constructed.
- 5) At the sale of any new lot, the developer must provide the purchasers with a copy of the Performance Agreement.
- 6) Complete the works according to accepted designs and the agreed timetable by the Service Obligation Date.
- 7) The developer will also need to:
 - a) keep all land buyers informed of any changes to the Servicing Obligation Date,
 - b) provide, on request from the Corporation, evidence that land purchasers have been kept informed.
- 11) Once the works have been taken over, the developer's performance is assessed for future eligibility.
- 12) Should a request for clearance be received for a further stage of subdivision whilst any previous Performance Agreements are past their Service Obligation Date, such request will be denied.

For what period can works be deferred under a Performance Agreement?

The maximum periods allowed for completing deferred works to be constructed are as follows;

<i>Subdivided lots</i>	<i>Period</i>
<20 lots	14 Weeks
20 to 50 lots	18 Weeks
51 to 60 lots	22 Weeks
> 60 lots	By negotiation

How much will it cost?

Performance Agreement Administration Fee

A fee is charged *per* Land Development Agreement for water supply and wastewater reticulation. Refer to

[Information Sheet No. 43 \(Sundry Charges Fees and Contributions\)](#).

Development Services Information Sheet No. 47A



Explanation of key points

- 1) An **AWA Performance Agreement** requires you to:
 - (a) agree to meet all construction costs,
 - (b) ensure the works are constructed by the Service Obligation Date according to the Corporation's standards and specifications,
 - (c) keep all land buyers informed
 - (e) provide progress reports on the works as required,
 - (f) indemnify the Corporation against all costs arising from your default on any term or condition.
 - (g) acknowledge the consequences of not complying with the terms or conditions
- 2) All land buyers shall be informed that
 - (a) there will be no water and/or wastewater services before the Service Obligation Date,
 - (b) if improvements (e.g. a building) are constructed on the lots then:
 - i) they cannot be used or occupied until services are connected.
 - ii) the Corporation is not responsible for ensuring the building can be connected where a wastewater service is needed but not available.
 - iii) property sewer connections will not be allowed before the Corporation deems the sewers operational.
 - iv) where building applications are accepted before the works are complete, the landowner will be required to sign a Disclaimer.
 - (c) for any building begun during the Performance Agreement period, the land buyer must contact the Corporation on 13 13 95 after the Service Obligation Date period to activate their water service.
- 3) Each application for a Performance Agreement will be assessed for the developer's eligibility. Where a developer has defaulted, or failed to perform against agreed commitments in previous Performance Agreements the Corporation may decline to accept further requests for Performance Agreements.

Variations to terms and conditions

Variations to the Service Obligation Date of an Performance Agreement will only be considered where extenuating circumstances beyond the control of the developer can be demonstrated.

For the latest version of this fact sheet, see our website.
For further information call 9420 2099.

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