

Extension of Mains by Land Development Agreement Drinking Water, Recycled Water and Wastewater Mains

LAND DEVELOPMENT AGREEMENT – a contract between SA Water and a customer to construct an extension of main by an accredited civil contractor.

As part of the assessment of your Land Development Application, SA Water will establish the drinking water, recycled water and wastewater requirements and assist you to determine the best option for servicing the proposed new allotments.

The option to have drinking water, recycled water and wastewater mains constructed by a Land Development Agreement to SA Water's specifications is available when:

- Extensions are required to serve new land developments (If a new public road is created as part of the development, the extension must be undertaken by a Land Development Agreement)
- Extensions of mains are required and the Developer chooses to construct by Land Development Agreement (subject to approval)

The agreement requires you to engage a Consulting Engineer and civil contractor, both of whom must be accredited by SA Water.

You can visit the Major Developments team at SA Water, 250 Victoria Square, Adelaide to seek advice. Please call us on 7424 1135 to make an appointment. Current fees and charges can be found on our SA Water website.

To Make an Application

Your surveyor must lodge the proposed plan of division with Planning SA – Development Assessment Commission. The application will be processed by Planning SA and forwarded to SA Water for comment.

Once SA Water's requirements have been determined, we will advise Planning SA and your surveyor of the details.

What we need to start the process of preparing a Land Development Agreement

1. The Developer or company name in which the Land Development Agreement documentation will be issued.
2. Registered address of the company or residential address of individuals.
3. Staging details (if applicable).
4. Consulting Engineer's name and address.

Guidelines for Extension of Mains by Land Development Agreement

The following is a guide to the process of providing drinking/recycled water and wastewater infrastructure to a new land development.

1. Application Assessment

- a) The Developer engages a surveyor who lodges the plan of division with Planning SA – Development Assessment Commission.
- b) Planning SA refers the application to SA Water, Local Government Authority and other utilities.
- c) SA Water makes preliminary recommendations on the drinking water, recycled water and wastewater connection requirements to the Development Assessment Commission and to the Developer’s agent (usually the Surveyor or Consultant).
 - **SA Water will endeavour to respond to Planning SA – Development Assessment Commission within 20 business days of receiving the land development application from Planning SA.**

2. Land Development Agreement

- a) The Consulting Engineer prepares the drinking water, recycled water and wastewater design drawings and lodges them with SA Water for audit. A detailed survey by a licensed surveyor is usually required to enable the consultant to prepare the design.
- b) Once SA Water confirms acceptance of the drinking water, recycled water and wastewater design drawings, SA Water is able to calculate the Development Agreement Charges and issue the Land Development Agreement.
- c) The Land Development Agreement is issued to the Consulting Engineer, who arranges for the Agreement to be reviewed and signed by the Developer and returned together with the Developer’s contribution to, Major Land Development, GPO Box 1751, Adelaide 5001.
- d) The Land Development Agreement is not to be changed by either the Consulting Engineer or the Developer after it is issued by SA Water. If any change in the documentation issued by SA Water is required, the change is to be notified to SA Water.
- e) If a change requested by the Consulting Engineer or the Developer is approved, SA Water will amend and reissue the Land Development Agreement. SA Water will also issue a fresh invoice. This may involve a change in the Developer contribution if the requested change results in a recalculation of the Development Agreement Charges.
- f) SA Water’s preferred position is that Developer companies sign the Land Development Agreement in accordance with section 127 of the *Corporations Act 2001*. That is, by two directors, a director and the company secretary or by the director who is the sole director of the company.

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- g) If a Developer company intends to sign the Land Development Agreement in some other manner, for example through an authorised person, the Consulting Engineer will need to lodge with SA Water a letter by the Developer company on its usual business letterhead stating the name of the person who will sign on behalf of the company, the person's position in the company and that the person has authority to bind the company to the terms and conditions set out in the Land Development Agreement.
- h) If requested by the Consulting Engineer or the Developer, SA Water is prepared to accept the return of the Developer's signed copy by email. In this case the signature page of the Land Development Agreement is to be printed out on paper and signed by the Developer. The signed page is to be scanned to produce an electronic copy and may then be delivered to SA Water as an attachment to an email using a computer software program that is in use by SA Water.
- i) Once the Land Development Agreement has been executed by SA Water's authorised signing officer, a copy will be forwarded back to the Consulting Engineer.

3. Construction and Audit

- a) Construction of the works can commence once the Developer's payment and the signed Land Development Agreement have been returned to SA Water.
- b) The civil contractor must notify SA Water's Contracts Audit Officer prior to starting work and provide a Project Management Plan.
- c) Early clearance of the final plan of division can be requested to enable Certificates of Title to be issued prior to completion of the works. If accepted, the Developer will be required to provide a financial bond for the value of the drinking water, recycled water and wastewater works.
- d) SA Water's Contract Audit Officer will audit the works as they proceed.

4. Certificate of Practical Completion

- a) A Certificate of Practical Completion (CPC) will be issued when all SA Water's requirements are met:
 - Completion of works on site to SA Water's Contract Audit Officer's satisfaction.
 - Acceptance by SA Water of as-constructed drawings produced by a licensed surveyor or chartered Engineer.
 - Payment of a Security Bond (generally 5% of the total value of the works) is described in the Land Development Agreement. This payment is held by SA Water to cover the cost of any defects identified during the 12 month defects liability period. This period commences on the date of issue of the CPC.
 - Satisfactory wastewater and water trench compaction test results, wastewater main air test results and access chamber hydraulic test results in compliance with SA Water's Infrastructure Standards.

- CCTV footage and report of gravity wastewater showing pipe work is compliant.
- b) Upon issue of the CPC, SA Water will take over the operation of the drinking water, recycled water and wastewater mains and, if applicable, pay to the Developer SA Water's contribution towards the works.

N.B. Private pipes from new buildings are not permitted to be connected to the contract work prior to CPC being issued.

5. Certificate of Final Completion

- a) Subject to the satisfactory performance of the contract work over the 12 months defects liability period, SA Water will issue a Certificate of Final Completion (CFC). SA Water will accept full responsibility for the mains, pay the Developer the sum of one dollar and cancel existing bank guarantees or refund any cash security.

Role of the Consulting Engineer

The Consulting Engineer usually takes the role of the Developer's representative in negotiations with SA Water for the provision of new mains for land developments.

The consultant must be a member of, or have qualifications acceptable for membership of, Engineers Australia, and must be experienced in the type of work to be carried out under the Land Developer Agreement.

SA Water has an Accreditation System for Consultants. The Accreditation process involves the rating of Consulting firms using a two tier rating system.

The Consulting Engineer is responsible for;

- Gathering services information eg; site survey, contours, location of existing connections, design parameters and standards.
- Negotiating with property owners where external easements are required. The Consulting Engineer must contact the owner and make arrangements for a site inspection/meeting to gain agreement. It is the Developer's responsibility to acquire easements (if required for the application). The Consulting Engineer is required to write to all affected land owners and obtain the owner's written consent to the works.
- The preparation of design drawings for the drinking water, recycled water and wastewater infrastructure for acceptance by SA Water in accordance with SA Water's current standards and specifications.
- The survey check of drinking water, recycled water and wastewater works to ensure compliance with the design drawings.
- Recording and certifying that the drinking water, recycled water and wastewater works have been completed and tested in accordance with the design drawings and specifications.
- Ensuring that 'as constructed' drawings are prepared and lodged with SA Water.

Role of the Contractor

- Only contractors appearing on the contractor list are authorised to undertake work on SA Water's infrastructure.

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- SA Water has accepted the Civil Contractors Federation's (CCF) Integrated Management System (IMS) as the minimum standard for contractors working on SA Water's drinking water, recycled water and wastewater infrastructure projects including new land developments, new mains extensions and new drinking water, recycled water and wastewater connections.
- Details of the IMS training course can be viewed at: www.civilcontractors.com
- Contractors who are fully certified under AS/NZS ISO 9000 - Quality Assurance also require either certification to AS/NZS ISO 14001 - Environmental Management Systems and AS/NZS 4801 – WH&S Management Systems or must be audited to prove they meet the requirements of SA Water's Contractor WH&S Check List.
- All construction must be in accordance with SA Water's current standards and specifications.

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