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## UNCOMPLETED WORKS DEED POLL

(FOR WORKS TO A VALUE OF \$200,000.00 OR UNDER)

In favour of: The Minister for Economic Development Queensland  
of Level 4, 229 Elizabeth Street, Brisbane in the State of Queensland  
(the "MEDQ")

By: The entity named in Item 1 of Schedule A  
(the "Applicant")

### RECITALS

- A. The Applicant applied to the MEDQ for the PDA Development Approval referred to at Item 2 of Schedule A. The PDA Development Approval is in respect of the Land described at Item 3 of Schedule A.
- B. The PDA Development Approval requires, among other things, completion of the Uncompleted Works described at Item 4 of Schedule A.
- C. The Applicant provides this Uncompleted Works Deed Poll to the MEDQ as part of the request for an Uncompleted Works bond with regard to the Uncompleted Works.

This Uncompleted Works Deed Poll provides:-

### 1. APPLICANT'S WARRANTIES

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The Applicant warrants that:-

- 1.1. all bulk earthworks are completed, including for road formations and allotments, and all erosion and sediment control meets the standards set out in the PDA Development Approval;
- 1.2. all works required by the PDA Development Approval have been completed (except for the Uncompleted Works);
- 1.3. all outstanding rates, fees and levies associated with the Land have been paid; and
- 1.4. all monetary contributions required by the PDA Development Approval have been paid.

### 2. VALUE OF THE UNCOMPLETED WORK

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The Applicant warrants that:-

- 2.1. the Value of the Uncompleted Works is the amount stated at Item 5 of Schedule A; and
- 2.2. the Value of the Uncompleted Works, including water supply and sewerage, does not exceed 50% of the Total Value of all Works (required to be completed under the Development Approval) stated at Item 6 of Schedule A.

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### **3. BOND DOCUMENT**

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- 3.1. The Bond described at Item 7 of the Items Schedule and issued by a financial institution acceptable to the MEDQ must be provided by the Applicant in favour of the MEDQ in the amount stated at Item 8 of the Items Schedule, being 125% of the Value of the Uncompleted Works, with this Uncompleted Works Deed Poll.
- 3.2. The MEDQ must hold the Bond until such time as the total amount of the bond may be released, in accordance with clause 5 below.

### **4. COMPLETION OF THE UNCOMPLETED WORKS**

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- 4.1. The Applicant undertakes to complete the Uncompleted Works on or before that day which is three (3) months after the date of endorsement of the Survey Plan (referred to in Item 9 of Schedule A).
- 4.2. The Applicant grants the MEDQ permission to enter onto the Land, with its servants, agents, contractors, sub-contractors and employees and with all necessary vehicles, plant and equipment permission in order to:-
  - 4.2.1. satisfy itself whether the Applicant is complying with its obligations under this Uncompleted Works Deed Poll;
  - 4.2.2. satisfy itself whether the Applicant has completed any component of the Uncompleted Works;
- 4.3. If the Applicant fails to comply with the undertaking in paragraph 4.1 above, the MEDQ may do any or all of the following:-
  - 4.3.1. if the Bond is in the form of a bank guarantee, call on the bank guarantee (without interference from the Applicant) to the value of the Uncompleted Works that remain uncompleted;
  - 4.3.2. if the Bond is in the form of cash, release the cash to the value of the Uncompleted Works that remain uncompleted;
  - 4.3.3. enter onto the Land, with its servants, agents, contractors, sub-contractors and employees and with all necessary vehicles, plant and equipment and complete the Uncompleted Works that remain uncompleted.
- 4.4. If the costs incurred by the MEDQ in undertaking work under clause 4.3.3 above is more than the amount recovered by the MEDQ under clause 4.3.1 or 4.3.2 above, the Applicant must pay the MEDQ on demand the additional amount from the Applicant as a liquidated debt.
- 4.5. If the Applicant is not the owner of the Land and the Land is not owned by the State or a State entity:-
  - 4.5.1. the name and address of the owner of the Land (the "Landowner") must be stated at Item 10 of Schedule A;
  - 4.5.2. the Applicant warrants that the Applicant has the Landowner's authority to permit the MEDQ to enter onto the Land pursuant to clauses 4.2 and 4.3.3 of this Uncompleted Works Deed Poll; and
  - 4.5.3. the Applicant must provide to the MEDQ with this Uncompleted Works Deed Poll an irrevocable authority issued by the Landowner in the form attached in Schedule B.

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## **5. RELEASE OF BOND DOCUMENT**

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Within five (5) business days of:-

- 5.1. the Applicant notifying the MEDQ of the completion of the Uncompleted Works and that it has otherwise complied with its obligations under this Deed Poll; and
- 5.2. the MEDQ being satisfied that the Uncompleted Works have been completed and the Applicant has otherwise complied with its obligations under this Deed Poll;

the MEDQ will return the Bond (or the reduced amount of the Bond not released to the MEDQ under clause 4.3 above) to the Applicant.

**SCHEDULE A**

Item	Reference	Description
1.	APPLICANT	(a) Name ..... (b) Address ..... .....
2.	PDA DEVELOPMENT APPROVAL	No. ....
3.	LAND	(a) Real Property Description ..... (b) Address ..... .....
4.	UNCOMPLETED WORKS	
5.	VALUE OF THE UNCOMPLETED WORKS	\$.....
6.	TOTAL VALUE OF ALL WORKS	\$.....
7.	BOND	Bank Guarantee
8.	BOND AMOUNT	\$.....
9.	SURVEY PLAN	SP .....
10.	LANDOWNER	(a) Name ..... (b) Address ..... .....

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**SCHEDULE B**

**IRREVOCABLE AUTHORITY ISSUED BY THE LANDOWNER**

**(Clause 5 of the Uncompleted Works Deed Poll)**

**EXECUTED as a DEED.**

**\*\*\*NOTE: Redundant signing clause to be deleted**

EXECUTED as a DEED by )  
[INSERT NAME OF COMPANY AND ACN] )  
this ..... day of ..... 2009 )  
in accordance with the *Corporations Act* )  
2001 )

\_\_\_\_\_  
Director/

\_\_\_\_\_  
Director / Secretary

**SIGNED SEALED AND  
DELIVERED** by [NAME], in the )  
presence of: )  
)

\_\_\_\_\_  
(Witness)

on:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)