



Part 5 Agreement checklist and process

If a Part 5 Agreement is required as part of your Development Use Permit please read the following checklist carefully and ensure that you have provided all the necessary documentation and that the Part 5 Agreement is in a format that can be accepted by Council.

Under the *Land Use Planning and Approvals Act 1993*, a planning permit does not become effective until any Part 5 Agreements required under that permit are executed.

- Step 1 Obtain relevant current Part 5 Agreement template by requesting in an email addressed to development@kingborough.tas.gov.au and making reference to the development application number.
- Step 2 Lodge the following documentation for review by relevant Council staff in an email addressed to development@kingborough.tas.gov.au:
- Council's Part 5 submission form available on our website.
 - Unsigned draft version of Agreement in Microsoft Word format.
 - Ensure the details of the parties to the Agreement are correct. The full names that are listed on the Certificate of Title are the names that must appear on the Agreement.
 - If the Agreement makes reference to any attachments these must be included and should appear as Schedules in the Agreement and be inserted before the execution page.
 - A completed 'Notification of Agreement under the *Land Use Planning and Approvals Act 1993*' form for each property under separate ownership. The form is available from the Lands Titles Office as a hard copy or available to download/complete online and print through the Land Information System Tasmania (the LIST) - Tasmanian Online Land Dealings (TOLD) <https://www.thelist.tas.gov.au/told/faces/jsp/contents.jsp>. The relevant forms can be found under Easements/Covenants.
 - Insert the number/s of the affected folio/s under the Description of Land (this should be referred to in the Agreement as "The Land").

- Insert the full names and postal addresses of the registered proprietor(s) as appears on the Certificate(s) of Title.
- Insert the full name of the planning authority – Kingborough Council.
- DO NOT DATE.

Step 3 Once Applicant has received confirmation from Council that the draft Agreement is satisfactory, arrange signing of Agreement by relevant parties.

- Each page of the Agreement, excluding the Notification of Agreement lodgement form and the page that is executed by the parties to the dealing, must be initialled by each party in the bottom right hand corner of each page. This includes all annexure pages.
- DO NOT DATE the Agreement.
- If there is a mortgage on the property it is advisable that the Owner notify their Mortgagee (the bank) of the Agreement being entered into.

Step 4 Lodge signed Agreement with Council.

- Original Agreement, including all Annexures, to be hand delivered or posted to the Council office.

Step 5 When the agreement requires lodgement at the Land Titles Office for registration on the Title(s) the applicant will be contacted to arrange collection.

Step 6 Once lodged with the Land Titles Office, a copy of the receipt of registration must be provided to Council.