



Part 5 Agreement checklist

If a Part 5 Agreement is required as part of your Development Application or Subdivision Approval 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.

- A completed Notification of Agreement under the *Land Use Planning and Approvals Act 1993* lodgment form. The lodgment 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>
 - 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 of Title(s)
 - Insert the full name of the planning authority – Southern Midlands Council
 - DO NOT DATE**

- Each page of the Agreement excluding the Notification of Agreement lodgment form and the page that is executed by the parties to the dealing need to be initialed in the right hand corner. This includes all annexure pages.

- If there is a mortgage on the property the Mortgagee (the bank) must endorse the Agreement by signing the Agreement and initialing each page.

- DO NOT DATE** the Agreement.

- Ensure the details of the parties to the Agreement are correct. The names that are listed on the Certificate of Title are the names that must appear on the Agreement.

- Each page of the Agreement should be numbered either in the top or bottom right hand corner.

- If the Agreement makes reference to any attachments these must be included and should appear at the end of the document.

Part 5 Agreement process

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.

The applicant must engage their own solicitor for the preparation of draft Part 5 Agreement in accordance with the conditions of the planning/subdivision approval.

All costs are the responsibility of the applicant/landowner.

- Step 1** Lodge a draft Agreement for review by relevant Council staff. This can be done by emailing mail@southernmidlands.tas.gov.au and reference to the development application number.
- Step 2** Once Applicant has had confirmation from Council that draft Agreement is satisfactory; the applicant shall advise their solicitor to prepare the Part Five agreement (final version) so the applicant arrange signing of Agreement by relevant parties.
- Step 3** Lodge signed Agreement with Council.
- Step 4** Once Agreement has been signed and sealed by Council the Applicant will be contacted to arrange collection of the Agreement.
- Step 5** Applicant to lodge Agreement with the Lands Titles Office for registration on the Title(s).
- Step 6** Applicant to provide Council with a receipt of lodgment from the Lands Titles Office.