



## Rolling Bond and Licence Deed Upgrade Deed

### BACKGROUND

This form of deed is used to increase the Bond Amount under a Rolling Bond and Licence Deed.

### Deed Particulars

#### Applicant

*Insert name of the applicant. Include ACN if a company.*

--

#### Land

*Insert details of the land to which the bond relates (as described in the Rolling Bond and Licence Deed).*

Lot	Plan	Address

#### Current Bond Amount

\$

--

#### Increased Bond Amount

\$

--

#### How increase in Security Bond is provided

*Insert how the Security Bond is being provided.*

- Cash  
 Bank Guarantee – details below

Issuing bank	Date of Bank Guarantee	Amount of Bank Guarantee
		\$

#### Is this deed being signed for the Applicant by Authorised Delegate(s)?

- No  
 Yes

--

#### Special conditions

*Insert any special conditions.*

--

### Deed Conditions

1. In this deed:

**Current Bond Amount** – means the "Bond Amount" under the Rolling Bond and Licence Deed (as amended by any previous written agreement or deed between the Applicant and Council).

**Increased Bond Amount** – means the amount specified as such in the Deed Particulars.

**Rolling Bond and Licence Deed** – means the deed to which the Applicant and Council are parties and which refers to the same land as is described in the Agreement Particulars, even if the deed refers to a larger parcel of land or it refers to the same land but by a now superseded real property description.

2. The Applicant and Council agree that the "Bond Amount" under the Rolling Bond and Licence Deed is

## Deed Conditions

amended to the Increased Bond Amount.

3. If the Deed Particulars indicate that the increase in the Security Bond is being provided in cash, the Applicant must immediately pay to Council the difference between the Current Bond Amount and the Increased Bond Amount, if the Applicant has not already done so.
4. If the Deed Particulars indicate that the increase in the Security Bond is being provided by a Bank Guarantee:
  - (a) if details of a Bank Guarantee are set out in the Deed Particulars – that Bank Guarantee forms part of the Security Bond; or
  - (b) if details of a Bank Guarantee are not set out in the Deed Particulars – the Applicant must immediately give Council:
    - (i) a Bank Guarantee for the difference between the Current Bond Amount and the Increased Bond Amount, and that Bank Guarantee will then be held by Council as part of the Security Bond; or
    - (ii) a Bank Guarantee for the Increased Bond Amount, and that Bank Guarantee will then be held by Council as the Security Bond and Council will then return to the Applicant the Security Bond that was until then being held by Council under the Rolling Bond and Licence Deed.
5. If there are any special conditions in the Deed Particulars, those special conditions prevail over these Deed Conditions to the extent of any inconsistency between the two.
6. A term that is used but not defined in this deed, and which has a definition in the Rolling Bond and Licence Deed, has that defined meaning unless the context in which the term is used indicates a different intention.
7. If the Deed Particulars indicate that this deed is being signed for the Applicant by Authorised Delegate(s), then each person signing this deed for the Applicant warrants that he or she is an Authorised Delegate.

## Execution by Applicant (if a company)

**Executed as a deed by the Applicant under section 127 of the Corporations Act 2001**

*If the Applicant has only one director who is also its company secretary, and has only one director and no company secretary, that director must sign*

*Otherwise, the signatures of two officers (each of whom must be a director or company secretary) is required*

Signature of director/company secretary

Name of director/company secretary signing above

Signature of director/company secretary

Name of director/company secretary signing above

Date signed


## Execution by Applicant (if an individual or if being signed by an Authorised Delegate for the Applicant)

**Signed, sealed and delivered by the Applicant**

Signature of Applicant/Authorised Delegate

Name of Applicant/Authorised Delegate signing above (and position title if an Authorised Delegate)

Signature of witness

Name of witness signing above

Date signed


## Execution by Applicant (if an individual or if being signed by an Authorised Delegate for the Applicant)

**Signed, sealed and delivered by the Applicant**

Signature of Applicant/Authorised Delegate

Name of Applicant/Authorised Delegate signing above (and position title if an Authorised Delegate)

Signature of witness

Name of witness signing above

Date signed


## Execution by Council

**Signed, sealed and delivered for Council as duly authorised delegate under section 238 of the Local Government Regulation 2012**

Signature of Council chief executive officer/delegate

Name/position of person signing above

Signature of witness

Name of witness signing above

Date signed


**Information Privacy Collection Notice**

Ipswich City Council is collecting your personal information in accordance with the *Integrated Planning Act 1997, Sustainable Planning Act 2009 or Planning Act 2016* so that we can process your application and perform our responsibilities under the planning legislation. We will not disclose your personal information outside of Council unless we are required by law or you have given your consent. However, in order to perform the above functions we may need to disclose your personal information to the Chief Executive who may in turn make this information available to others in accordance with the Regulation. By complete and signing this form and returning it to Council, we will consider that you have given us your consent to manage your personal information in the manner described in Council's Privacy Statement, Personal Information Digest and this collection notice.