

## How to Amend or End a Section 173 Agreement

You are able to apply to Wyndham City Council to amend or end a Section 173 Agreement on a land title.

Depending on the complexity of the Agreement, the amending / ending proposal will be dealt with by Council officers, and may be referred to Council's solicitors if required.

Interested parties to the Section 173 agreement may be notified of the proposal, as applicable.

If the proposal to amend or end a Section 173 Agreement is supported, you will be issued with a letter of Council's decision and Form 19 to take to the Land Titles Office to register.

Section 178(a-i) of the Planning & Environment Act sets out the process for proposal to amend or end an agreement. [http://www.austlii.edu.au/au/legis/vic/consol\\_act/paea1987254/s178a.html](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/s178a.html)

### What fees are involved with a Section 173 Agreement?

Council charges an application fee to cover the administrative costs associated with considering Section 173 agreements. If Council's solicitors are required to be consulted, you will be responsible for covering any such costs additional to the application fee - you will be provided with an estimate of costs prior to any review being undertaken.

### Registration of a change to a Section 173 Agreement

Any change to a Section 173 Agreement must be registered on the title to the land to which it applies. This ensures that all future land owners are aware of, and bound by, the requirements of the Section 173 Agreement. It is the applicant's responsibility to ensure that the Agreement is registered at the titles office in a timely manner.

### What is a Section 173 Agreement?

A Section 173 Agreement is a legal contract made between Council and another party or parties under Section 173 of the Planning and Environment Act 1987.

A landowner is normally the other party to the Agreement, while in some cases a third party, such as a referral authority, may also be involved.

An agreement provides for continuous restrictions or on-going requirements on the use or development of the land.

## Privacy Collection Statement

The personal information collected on this Form is required by Council in order to process your request in accordance with the requirements of the *Planning and Environment Act 1987*. Your information will be made public and available for inspection while being considered by Council or the Victorian Civil and Administrative Tribunal. Your information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. For further information on how your personal information is handled, visit Council's Privacy Policy at: <https://www.wyndham.vic.gov.au/privacy-policy>

## Process for Amending or Ending S173 Agreements

1. Applicant submits Amending / Ending Section 173 Agreement Application Form to Council.
2. Council considers the application submission and conducts any required referrals.
3. Council indicates whether the application has 'in-principle' support.
4. Council notifies any interested party, as applicable.
5. Council Officer writes report with recommendation to Town Planning Manager.
6. Council decision on whether to support the proposal is issued as a letter.
7. If Approval is issued, the signed letter and Form 19 is sent to the applicant.
8. It is the applicant's responsibility to take the required documentation to the Land Titles Office for registration. The proposal (amended or ended agreement) must be registered on title in accordance with the requirements of the Planning and Environment Act 1987. Any costs associated with the registration of the agreement are entirely the responsibility of the applicant.

Note: In the event that Council refuses the proposal, the applicant can appeal the decision to the Tribunal. In the event that Council supports the proposal, any objectors can appeal the decision to the Tribunal. For more details, go to the [VCAT Website](#).

## Amending or Ending a Section 173 Agreement Checklist

When applying for Council to amend or end a S173 agreement on your behalf, the following documentation must be submitted:

Checklist Item	Have you Provided?
<p>A completed application form. This form is attached to this guide. Remember it is against the law to give false and misleading information.</p>	
<p><b>A copy of the Title</b> A full, current copy of the title of the property including any restrictions/covenants listed. A copy of this can be obtained from the <a href="#">Land Titles Office</a> or phone 8636 2456. Copies of Titles must not be older than 7 days.</p>	
<p><b>A company search</b> If the subject land is owned by a company, a company search must be submitted with the application to confirm the correct ownership details. The company search must not be older than 7 days.</p>	
<p><b>Application fee</b> Council charges a fee to amend or end an agreement. View <a href="#">Town Planning fees</a>  PLEASE NOTE: If the agreement requires referral to Council's solicitors the applicant will responsible for any associated costs. An estimate of costs will be provided prior to the application being referred.</p>	

## Amend or End a Section 173 Agreement

### APPLICANT

Name:	
Organisation (if applicable):	
Postal Address:	
Telephone No.	
Email Address:	

Have you discussed the agreement with a Wyndham City Town Planning Officer prior to submitting this application?	Yes / No
Planners Name:	

### SECTION 173 AGREEMENT DETAILS

Agreement Number			
Date of Agreement			
Lot Number:		Plan of Subdivision Number:	
Address:		Suburb:	
Volume:		Folio:	

### CHANGE SOUGHT

Detail the nature of the change sought to the Section 173 Agreement (e.g. Amend or End)

### REASON FOR CHANGE

Reason for the proposed change to the Section 173 Agreement

### WRITTEN CONSENT

Has written consent to the proposed change been obtained from parties to the Section 173 Agreement?

**DECLARATION:** This form must be signed. Complete box A, B or C.

<b>A.</b> I declare that I am the Applicant and Owner of this land and that all information given is true and correct.	Owner/ Applicant signature:	Date:
<b>B.</b> I am the Owner of the land. I have seen this application. I/We the Applicant declare that all information given is true and correct.	Owner signature:  Applicant signature:	Date:  Date:
<b>C.</b> I / We the Applicant declare that I / We have notified the owner about this application and that all information given is true and correct.	Applicant signature:	Date:

<b>SUBMIT</b>	
1. Completed form 2. With <a href="#">credit card payment</a> . View <a href="#">Town Planning fees</a>	Via email <a href="mailto:mail@wyndham.vic.gov.au">mail@wyndham.vic.gov.au</a> or alternatively please contact Council on 9742 0777.

**PRIVACY COLLECTION STATEMENT** –The personal information collected on this Form is required by Council in order to process your request in accordance with the requirements of the *Planning and Environment Act 1987*.

Your information will be made public and available for inspection while being considered by Council or the Victorian Civil and Administrative Tribunal. You have a right to access your personal information and make corrections. If you have any queries, or wish to gain access or amend your information, please contact Council’s Privacy Officer on (03) 8734 5464. [WCC Privacy Policy](#)