**2024-2025**

Ending or Amending a Section 173 Agreement

\*This form is not relevant to agreements relating to requirements for Development Contributions and Open Space Contributions. For information on these types of agreements contact Council’s Strategic Planning and Property Team.

**How to End/Amend a Section 173 Agreement**

Section 178A of the Planning and Environment Act 1987 allows an applicant to submit a request to Council to amend or end a Section 173 (S173) Agreement that is registered on a land title. Appropriate justification must be provided.

Council will assess the request and will notify the applicant as to whether it agrees ‘in principle’ to the proposal to amend or end the agreement.

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

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

Council charges a fee to cover the administrative costs associated with its own tasks to process the amendment or ending of the agreement.

The owner/applicant will also be responsible for the legal costs charged by Council’s external legal services associated with the preparation/review and registration of the amended agreement or ending of the agreement. These costs will vary depending on the complexity of the agreement.

**Registration of a Section 173 Agreement**

The amended S173 Agreement or ending of the S173 Agreement must be registered on the title to the land to which it applies. Council’s legal services will organize for the registration of the amended agreement or ending of the agreement with Land Use Victoria.

**Process for S173 Agreements Prepared by Council**

1. Applicant submits completed application form for the Ending/Amending of the S173 Agreement to [statplanning@wyndham.vic.gov.au](mailto:statplanning@wyndham.vic.gov.au).
2. Council will register the request and send an invoice for the payment of Council’s administrative fees.
3. Once the application fee is paid, Council will assess the request and will notify the applicant as to whether it agrees ‘in principle’ to the proposal to amend or end the agreement.

\*Council may refer the applicant at this time to Council’s external legal representative who in turn will provide the applicant with a cost agreement that will detail the total approximate costs associated with the preparation of the amended agreement and ultimate registration of the amended agreement/ending of agreement.

1. Where required, Council may notify interested parties to the agreement of the proposal to amend or end the agreement.
2. Council will finalise the assessment of the request and make a determination as to whether the proposal is supported, with consideration of any written submissions received from interested parties.
3. Where an application is supported, Council’s external legal services will send a request to all parties for the required documentation to be electronically signed.
4. The signed documents will be registered with Land Use Victoria (LUV).   
   \*LUV timeframes vary and registration may take up to 1 month.

**Section 173 Agreement Checklist**

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

| **Checklist item** | **Have you provided** |
| --- | --- |
| **Completed application form**  *Remember it is against the law to give false and misleading information.* |  |
| **A copy of registered Section 173 Agreement that is proposed to be amended** |  |
| **A copy of the land title that the agreement is currently registered on**  *(must be no more than 3 months old)* |  |
| **The appropriate fee (Council can send an invoice for payment of fee once application form received)**  Council charges a fee of $726.70 to amend or end an agreement. This covers Council’s administrative costs associated with the processing of the request only.  Council’s external legal services charge a separate fee for the preparation and registration of the amended agreement or ending of the agreement which must be paid by the applicant. |  |

Application for the Preparation of a Section 173 Agreement

Please contact the town planning department prior to submitting this application form to confirm that the required agreement is appropriate for this service.

**APPLICANT**

|  |  |
| --- | --- |
| Name: |  |
| Organisation (if applicable): |  |
| Address: |  |
| Telephone No: |  |
| Email Address: |  |

|  |  |
| --- | --- |
| Have you discussed the amendment/ending of the agreement with a Town Planning Officer prior to submitting this application? | Yes / No |
| Planners Name: | |

**AGREEMENT DETAILS**

|  |  |
| --- | --- |
| Reference Number of Existing Section 173 Agreement |  |
| Address of Land Agreement is Registered to |  |
| Volume, Folio and Plan of Subdivision No |  |
| Reference No. of Planning Permit that originally required agreement to be entered into (where applicable) |  |

|  |
| --- |
| Where an application proposes to amend an agreement, describe the proposed amendments and provide justification: |
|  |

|  |
| --- |
| Where an application proposes to end an agreement, provide justification: |
|  |

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

|  |  |  |
| --- | --- | --- |
| **A.** 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.** 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: |
| **C.** 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: |

|  |  |
| --- | --- |
| **SUBMIT** | |
| 1. Completed form 2. Fee of **$726.70** with [credit card payment](https://www.wyndham.vic.gov.au/sites/default/files/2016-06/Credit%20Card%20Payment%20Form.pdf) 3. Evidence of commencement of works (where applicable) | Via email [statplanning@wyndham.vic.gov.au](mailto:statplanning@wyndham.vic.gov.au) |

**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](https://www.wyndham.vic.gov.au/privacy-policy). [WCC Privacy Policy](https://www.wyndham.vic.gov.au/about-council/your-council/administration/privacy-policy-website-privacy-disclaimer)