

End or Amend a Section 173 Agreement



s178A Planning and Environment Act 1987; r55 Planning and Environment Regulations 2015

Payment of fees

- This application has an associated cost in accordance with the *Planning and Environment (Fees) Regulations 2016*. An invoice will be generated once the application has been assessed to confirm it is complete, and to confirm the number of notice letters, which informs the advertising cost.

Applicant details:

First name:	Surname:
Business trading name: (if applicable)	
Postal address:	
	Postcode:
Contact number:	
Email address:	

Owners details: (if not the applicant)

First name:	Surname:
Business trading name: (if applicable)	
Postal address:	
	Postcode:
Contact number:	
Email address:	

Description of the land subject to the application:

Street number:	Street name:		
Town:	Postcode:		
Lot Number:	Plan Number:		
Volume/Folio:			

- If the proposal relates to multiple addresses/parcels, please attach a document with the details of the additional land included, and ownership detail for each property.

Collection notice:

East Gippsland Shire Council collects information provided by you in this form to assess eligibility to end of amend a section 173 agreement. When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website. East Gippsland Shire Council will only disclose your personal contact information to a third-party where required to do so by law. Information shared in this situation will be in accordance with the requirements of the Privacy and Data Protection Act 2014. If incorrect information or details are provided Council will be unable to assist you with this request. For more information on Council's Privacy Policy, please visit Council's *Privacy Statement* on our website or email feedback@egipps.vic.gov.au if you have any questions. AUG 26

The proposal:

The proposal is to:	☐ Amend (s178A(1)(a))	☐ End (s178A(1)(b))	☐ End in part (s178A(1)(b))						
Agreement dealing number and date		d	d	m	m	y	y	y	y
Planning Permit which required the Agreement:									

Who is the invoice to be made out to?

Invoice Recipient:	
Address:	
	Postcode:
Contact number:	
Email address:	

Application Requirements

- **A copy of the Title(s).**
A full, current copy of the title(s) of the property (properties) including any restrictions/covenants listed. A copy of this can be purchased from the Land Titles Office www.landata.vic.gov.au. Copies of Titles must not be older than 3 months from the application date.
- **Details of all parties to the Section 173 Agreement**
A full list of current Titles affected by the Instrument, to assist with the giving of notice. Note, if all parties to an agreement consent to the proposal in writing (or if all parties make the application together), notice is not required.
A suitably qualified legal practitioner can help prepare this information.
- **A written statement which details:**
For an application to amend an agreement:
the proposed amendment; and
the purpose of the proposed amendment; and
any change in circumstances that necessitates the proposed amendment; OR
For an application to end an agreement in whole or in part:
if the proposal is to end the agreement in part, the part of the agreement to be ended; and
if the proposal is to end the agreement as to any part of the land, the part of the land to be removed from the application of the agreement; and
why the agreement or that part of it is no longer required.

Required, if relevant

- **A company search**
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 3 months from the lodgement date.
- **After a decision is made**
Ending an Agreement: Council will provide a cost estimate at the time of approval for legal services associated with registering the ending of the Agreement. You will be invoiced by Council's solicitors for the final amount. The costs must be paid before the registration is undertaken.

Amending an Agreement: Council will provide a cost estimate at the time of approval for legal services associated with preparing the amended agreement, execution and registration of the

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Amended Agreement. You will be invoiced by Council's solicitors for the final amount. The costs must be paid before the registration is undertaken.

Notice of decision/refusal: If you are given a notice of refusal, or if a notice of decision to end/amend is provided, then there is opportunity for review of the decision at VCAT in accordance with the Act.

Declarations:

- ☐ I declare that I am the applicant and that all the information in this application is true and correct.
- ☐ I confirm that I have authority to use the relevant documents.
- ☐ In the event that the giving of notice is required pursuant to Section 178C of the *Planning and Environment Act 1987*, I permit documents submitted as part of this application, including my name and address, to be made available for public viewing on Council's website for the duration of the notice period and until a determination is made. I also permit the full documentation, including my email address and phone number being made available upon request by third parties with an interest in the proposal for use in relation to the application, on condition that the information is destroyed when the matter is finalised.
- ☐ I accept the East Gippsland Shire Council Privacy Statement.

Signature:

Name:

Date: ____/____/____

Office Use Only:

CS Stamp:

IM Stamp:

Contact Council

-  **Phone:** 03 5153 9500
-  **Email:** feedback@egipps.vic.gov.au
-  **Website:** eastgippsland.vic.gov.au
-  **Mail:** PO Box 1618, Bairnsdale VIC 3875

Customer Service Centres:

- **Bairnsdale:** 273 Main Street
- **Lakes Entrance:** 18 Mechanics Street
- **Mallacoota:** 70 Maurice Avenue
- **Omeo:** 179 Day Avenue
- **Orbost:** 1 Ruskin Street
- **Paynesville:** 55 Esplanade

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