

Application to End or Amend a Section 173 Agreement

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



Applicant Details:

Applicant name:	
Business trading name: (if applicable)	
Email address:	
Postal address:	
	Postcode:
Preferred Phone number:	Secondary number:

Owners Details: (if not the applicant)

Owner name:	
Business trading name: (if applicable)	
Email address:	
Postal address:	
	Postcode:
Preferred Phone number:	Secondary number:

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.

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:									

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property. When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

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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.

Who is the invoice to be made out to? (provide name, address, phone number and email):

Invoice Recipient (Payer):	
Address	
	Post Code:
Email Address:	
Preferred Phone Number:	Secondary Number:

Application Requirements

Required

- **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.

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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 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.

Privacy Statement

The East Gippsland Shire Council asks for details about you to make decisions on planning applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act 1987*. Sometimes we may provide a copy of this application form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au. You can gain access to information you provided to us through the Freedom of Information Act 1982, more information about FOI is available on Council's website.

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.

Applicant signature:	
Name:	Date: ____/____/____

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Contact Council



03 5153 9500



feedback@egipps.vic.gov.au



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PO Box 1618, Bairnsdale 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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