



# Entering into, Amending or Ending a Section 173 Agreement

The purpose of this information sheet is for applicants to understand the process for entering into, amending or ending a section 173 agreement as a result of a planning permit condition.

## What is Section 173 Agreement?

A Section 173 Agreement is a legal contract made between Council and a landowner made under the Planning and Environment Act 1987. A Section 173 Agreement sets out conditions or restrictions on the use and/or development of land.

## How to enter into a Section 173 Agreement

All new Section 173 Agreements are processed by Beck Legal on behalf of the City. If you are required to enter into a Section 173 Agreement, please contact Beck Legal on 03 5445 3333, [info@becklegal.com.au](mailto:info@becklegal.com.au) or at 177 View Street, Bendigo.

## How to Amend or End a Section 173 Agreement

You can apply to the City of Greater Bendigo to amend or end a Section 173 Agreement on a land title.

Section 178A(1-5) of the *Planning and Environment Act 1987* sets out the process for a proposal to amend or end an agreement.

As part of this process interested parties to the Section 173 Agreement may be notified of the proposal, as applicable.

## What fees are involved with amending/ending a Section 173 Agreement?

The City 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.

## Process for Amending or Ending a Section 173 Agreement

1. Applicant submits a written request to the City and pays the fee.
2. The City indicates whether the application has 'in-principle' support.
3. The City considers the application and conducts any required referrals.
4. The City notifies any interested party, as applicable.
5. The City will inform you in writing as to whether the request has been approved.
6. The applicant must engage Beck Legal solicitors to lodge a Form 22 or Form 23 with the Land Titles Office to have the agreement formally amended/removed from the title for the land.

It is the responsibility of the applicant to arrange for the documentation to be registered with the Land Titles Office. 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.

## 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 landowners 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.

### CHECKLIST

- Request in writing, explaining why the Agreement is required to be amended/ended
- Payment of the application fee
- A full and recent (within 3 months) copy of the Certificate of Title including a copy of the Section 173 Agreement