



# Application Form for Amending or Ending a Section 173 Agreement

For the purposes of section 178A(2) of the Act, an application for agreement to a proposal to amend or end an agreement must be in writing and must -

- (a) state the applicant's name, address and phone number; and
- (b) clearly identify the agreement proposed to be amended, ended or ended in part; and
- (c) in the case of a proposal to amend an agreement, clearly describe -
  - (i) the proposed amendment; and
  - (ii) the purpose of the proposed amendment; and
  - (iii) any change in circumstances that necessitates the proposed amendment; and
- (d) in the case of a proposal to end an agreement, clearly describe -
  - (i) if the proposal is to end the agreement in part, the part of the agreement to be ended; and
  - (ii) 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
  - (iii) why the agreement or that part of it is no longer required.

## Applicant Details

Name of applicant

Myers Planning & Associates

Name of applicant's agent

Postal address PO Box 207

WARRNAMBOOL 3280

Email address

Contact phone

Have you discussed the agreement with a Council Officer? Yes/ No (If so, who)

Yes - [redacted] via email and in person 26 March 2024

## Section 173 Agreement Details

Reference and Date of Section 173 Agreement

AG106722W

Planning Permit Number that required the Section 173 Agreement PL07/198

Address of Subject Land 227 Illowa Road, Illowa

Current Title details for all Land (incl. Volume and Folio)

Lot 1, 2 and 3 PS 614172W (Volume 11210 Folio 633, 634 and 635 respectively)

**Please Detail**

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

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Amend the Agreement to remove agreement item number 4 which provides for no dwelling on Lot 2 of the plan of subdivision.

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Other parts of the Agreement are to remain.

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**Reason for the proposed change to the Section 173 Agreement**

To facilitate subdivision of the land as per the permit application concurrently lodged. It is proposed that any permit granted for the subdivision proposed would be subject to further Agreement subject to Council's satisfaction in relation to further subdivision to increase the number of lots.  
The re-subdivision seeks to re-subdivide the lots to create a more usable and orderly lot arrangement.

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

No

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**Declaration**

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the application.

Signature



Date 8 October 2024

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Return completed form to:

Moyne Shire Council  
Po Box 51  
Port Fairy VIC 3284

**Fee \$726.70\***

\* 2024/2025 fees and charges, subject to change with new financial year.

The information requested on this form will be used solely by the Moyne Shire Council. We will not use your personal information for any other purpose without first seeking your consent, unless authorized or required by law. The Council may not be able to process your request unless sufficient information is given. You may apply to the Moyne Shire Council for access to and/or amendment of the information on 5568 0555