

WHAT IS A SECTION 173 AGREEMENT?

A Section 173 agreement simply refers to an **agreement** that a responsible authority (e.g. Council) has entered into with the owner of that land. This agreement **runs with the land**; thus, it is noted on the Certificate of Title.

Planning and Environment Act 1987 (Vic):

Section 173: Responsible authority may enter into agreements

(1) A responsible authority may enter into an agreement with an owner of land in the area covered by a planning scheme for which it is a responsible authority.

Councils generally enter into these agreements with land owners to both promote and restrict certain uses (and development) of the land within a particular planning scheme. An agreement cannot provide less restrictive provisions than that of a planning scheme/permit – only more.

Section 173 agreements arise from a **legal contract** – individual landowners and the Council are therefore able to **negotiate** on the terms of the agreement, so the Council can reach their planning goals with consideration to the landowner.



HOW DO I CHANGE OR AMEND A S173?

To change or end the agreement, both the landowner and Council must **approve** the changes, and the Council must notify the Registrar of Titles of the amendment. The **initiation of this process varies between councils**. Breaches are considered very serious.

