

Environmental Upgrade Agreement

Council policy

1 Policy statement

We support in principle entering into and administering Environmental Upgrade Agreements (EUAs).

2 Scope

This policy applies to:

- Environmental Upgrade Agreements for buildings in Blacktown City
- parties such as building owners and financial institutions who are involved in Environmental Upgrade Agreements
- Employees who administer these agreements.

3 Definitions

Environmental Upgrade Agreement	A voluntary agreement between a building owner, a finance provider and a council, in which: • the building owner agrees to carry out works to a building to improve its energy, water or environmental efficiency or sustainability • the finance provider agrees to advance funds to the building owner to finance those works • the council charges the building owner a levy on the relevant land, and this is the mechanism by which the funds are repaid to the finance provider.
Environmental Upgrade Charge	The agreed repayment levied by the council (an "environmental upgrade charge") for the purpose of discharging the building owner's obligation to repay the advance/s made by the finance provider. It includes any interest or other charges payable under the agreement.
Employee	Any person with an employment contract with Council and works full time, part time, a casual or term contract basis.
We, us, our	Blacktown City Council
Strata scheme	Allows multiple occupancy and ownership of individual units, or other parts of a land parcel, by separate individuals or companies.

4 Relevant legislation

The Local Government Act 1993 allows Council to enter into an Environmental Upgrade Agreement (section 54F) for certain building types.

Under the Act, buildings allowed to be subject to an Environmental Upgrade Agreement must meet the following criteria. They must:

1. already exist, be complete and ready for lawful use and occupation at the start of the agreement, and
2. be located in our local government area at the start of the agreement, and
3. be a non-residential building, or
4. be a multi-residence in a strata scheme comprising more than 20 lots.

We have amended this criteria for practical purposes to ensure we can successfully enter into Environmental Upgrade Agreements.

5 Our criteria

We will only enter into an agreement when:

1. a building owner agrees to carry out environmental upgrade works to a building located in our City
2. a finance provider agrees to advance funds to the building owner to finance those environmental upgrade works
3. we are satisfied the building owner is low risk and agree to levy a charge on the relevant land for the purpose of repaying the advance to the finance provider
4. the building has a single owner and is not subject to a strata scheme.

We reserve the right to refuse to participate, where a property owner has any outstanding charges pending, or a history of not paying debts on time.

6 References and approvals

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Next review	July 2021
Owner	Director Corporate Services
Responsible Officers	Senior Rates Officer
Related policies	N/A
Related delegations	N/A
Related law	<i>Local Government Act 1993, Section 54F</i>
Related documents	N/A
Attachments	N/A