

This form is to be completed by a building owner or authorised representative to apply to enter into a Building Upgrade Agreement within a Council participating in Building Upgrade Finance in South Australia.

If you have any enquiries about this form, the application process, eligibility requirements or participating Councils, please contact the Building Upgrade Finance Central Facilitator for South Australia on (08) 8203 7884.

Step 1: Applicant and Property Details

Please provide the details below.

Building Owner's Company
Name (if applicable),
including ABN/ACN

Building Owner's name

Building Owner's email

Building Owner's phone

Building Owner's postal
address

Building address

Council area where the
Building is located

Property title type
(i.e. Torrens, Strata,
Community, Crown Land)

Lot and Deposited Plan

Building use
(i.e. commercial, retail, hotel,
industrial etc.)

Step 2: Eligibility Confirmation

Please complete the eligibility questions below. Council will use this information to ensure their legislative requirements are met, and this provides the Building Owner/s with confidence to proceed with Building Upgrade Finance.

ELIGIBILITY QUESTIONS

YES NO

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1. Are you the Building Owner (or an authorised representative) as per the interpretation in Schedule 1B of the [Local Government Act 1999](#) (i.e. owner of the land on which the building is located, a representative of the community corporation or strata corporation)?

Note: If the building is located on Crown Land, consent may be required by the Minister for the Crown Land Management Act 2009.

2. Is the building a prescribed building under the [Local Government \(Building Upgrade Agreements\) Regulations 2017](#) (i.e. used primarily for commercial, industrial or other non-residential purposes)?
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3. Was the construction of the building completed at least 2 years ago?
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4. Are the upgrade works either:
- 'environmental upgrade works' defined in Schedule 1B of the [Local Government Act 1999](#); or
 - 'works prescribed' in the [Local Government \(Building Upgrade Agreements\) Regulations 2017](#)?

Note:

- 'environmental upgrade works' means works that improve the energy, water or environmental efficiency or sustainability of a building.
 - 'works prescribed' include the following works in relation to a local or State heritage listed building:
 - » works for the purposes of maintaining, repairing, upgrading or reinstating the heritage significance of the building;
 - » works associated with compliance with requirements under the Building Rules (within the meaning of the *Development Act 1993*) or the *Disability Discrimination Act 1992* of the Commonwealth;
 - » works for the purposes of facilitating the ongoing occupation of the building.
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ELIGIBILITY QUESTIONS

YES NO

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5. Have you consulted with Council planning staff to check if development approval for the upgrade works is required and agree requirements will be met?

If NO to the above question, please confirm you will check on development approval requirements ASAP and ensure requirements are met.

For information on development approval requirements, contact your Council Planning and Development staff.

Note:

- Development approval is not required for this application form.
- It is the responsibility of the applicant to obtain all required development approvals prior to construction commencing. Council may require development approval to be in place prior to execution or commencement of the Building Upgrade Agreement.

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6. Will the total amount of existing debts (mortgages, taxes, rates, charges) plus the value of the proposed 'Building Upgrade Charge' amount be less than 80% of the land's capital value prior to the upgrade?

Note:

- The 'Building Upgrade Charge' is the amount to be advanced by the financier and any interest or charges payable to the financier. The financier should be able to provide this information.
- Council requires a statutory declaration detailing the total debts for a Building Upgrade Agreement contract execution. Council cannot execute the Building Upgrade Agreement unless this statutory declaration is received. Council may also require a copy of a recent (within 6 months of the date of the statutory declaration) capital valuation of the property to be provided with the statutory declaration.

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7. Will existing mortgagees be notified in writing of your intention to enter into a Building Upgrade Agreement and provided details of the Building Upgrade Charge to be levied by Council?

Note: The statutory declaration mentioned above is to also include a statement that the owner has complied with the existing mortgagee notification requirements of the Act. Council cannot execute the Building Upgrade Agreement unless this statutory declaration is received.

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8. There are no overdue debts to Council in respect of the building?

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9. There are no outstanding orders that have been issued in relation to the building pursuant to any legislation?

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10. You are not in dispute with Council regarding any matter? This includes any adverse or legal history with the council.

If you answer yes to all of the above questions, you are eligible for Building Upgrade Finance in accordance with the [Local Government Act 1999](#) (subject to accuracy of information provided and confirmation of Item 6 and 7).

Please note that eligibility for Building Upgrade Finance as documented in this Application Form does not guarantee execution of a Building Upgrade Agreement.

Please also note that development approval requirements may apply.

Step 3: Nature of Upgrade Works and Finance Details

Please provide the details below.

Type of upgrade works
(i.e. heritage, environmental
or both)

Description of the scope of
the upgrade works (i.e. HVAC,
lighting, solar PV etc.)

If required include
detailed scope of works as
'Attachment 1'

Estimated value of works

Estimated value of the
'Building Upgrade Charge'

Note: The 'Building Upgrade Charge'
is the amount to be advanced by the
financiers and any interest or charges
payable to the financier.

Finance Provider

Finance Provider's contact
details (contact name and
details)

Building Owner's authorised
representative's name

Authorised representative's
contact details (phone, email)

Step 4: Submission and acknowledgement

In signing and submitting the Building Upgrade Agreement Application Form, I/we:

- Hereby declare that the information provided above is correct
- Hereby declare that I/we will be subject to the Council's Building Upgrade Agreement Policy (if applicable)
- Understand that I/we will be liable for any information that was provided inaccurately
- Understand all information provided in this form will be used to assess your application and manage the ongoing administration of your Building Upgrade Agreement, and
- Any information provided in the Building Upgrade Agreement may be provided to any Government agency as required by statute.

SIGNED BY BUILDING OWNER (OR AUTHORISED REPRESENTATIVE):

SIGNATURE

SIGNATURE

NAME OF BUILDING OWNER

NAME OF BUILDING OWNER

DATE

DATE