

Landcom Sustainable Homes Rebate Policy

Purpose

Landcom is fair, equitable and consistent in its dealings with the public, including with Purchasers, stakeholders and clients.

This Sustainable Homes Rebate Policy ('Policy') outlines the principles and requirements for obtaining Sustainability Rebates within Landcom. It is a guide to Staff to ensure that decision-making for Sustainable Homes Rebates is conducted fairly, equitably and consistently on all Landcom projects (where applicable).

Application

- This Policy applies only to Landcom projects where the Sustainable Homes Rebates are offered.
- This Policy will only apply to Sustainable Homes Rebates offered or administered from the date of approval of this Policy.

Guiding principles

- All decision-making in relation to the Sustainable Homes Rebates should be made in accordance with the principles of procedural fairness, transparency, equity and consistency.
- The terms of all Sustainable Homes Rebates are to be applied in a fair, equitable and consistent manner and assessed and administered in accordance with this Policy.
- A Purchaser's eligibility for a Sustainable Homes Rebate is completely dependent on the terms and conditions of the Purchaser's Contract with the Vendor.
- The assessment as to whether a Purchaser has complied with their obligations and is eligible to receive the Sustainable Homes Rebate should be conducted fairly, consistently and objectively, having reference to the requirements of the Sustainable Homes Rebate Brochure for the project, the Rebate Assessment Criteria and the terms and conditions of the Contract.
- Sustainable Homes Rebates will only be paid to Purchasers who purchase land directly from the Vendor.
- The Sustainable Homes Rebate will not be paid to persons who are not the original Purchasers from the Vendor, even if the applicant is, the current owner to whom that land has been subsequently on-sold. This must be clearly stated in all marketing material relating to Sustainable Homes Rebates.

Definitions

- Contract means the Contract for the Sale of Land for a retail lot between the Vendor and a Purchaser, or such other written transaction documents to which the Vendor is a party. Other written transaction documents, for example call options or put and call options with builders, are included in this definition. The Vendor must be a party to the contract or other written transaction document.

- Purchaser means the original purchaser who entered into a Contract with the Vendor. A person who has not purchased land directly from the Vendor is not entitled to a Sustainability Rebate.
- Rebate Application means the completed application form that a Purchaser or other party must submit to Landcom, within the timeframes specified in the Contract, in order to be entitled to receive payment of the Sustainable Homes Rebate.
- Rebate Assessment Checklist means a checklist of the Rebate Assessment Criteria.
- Rebate Assessment Criteria means the criteria which Purchasers must satisfy in order to be entitled to payment of the Sustainable Homes Rebate.
- Sustainable Homes Rebate means an amount to be provided to the Purchaser upon completion of specified works by or on behalf of the Purchaser, designed to improve the sustainability outcome of a project. The obligations imposed on the Purchaser will involve compliance with the Sustainable Homes Rebate Brochure requirements and building on the land within a nominated period after completion of the Contract. The Sustainable Homes Rebate will be paid in full once the Purchaser has:
 - > fulfilled the contractual criteria in respect to the specific works in accordance with the Contract and the project's Sustainable Homes Rebate Brochure and Rebate Assessment Criteria; and
 - > provided a valid Rebate Application in writing to Landcom strictly within the period specified in the Contract, subject to any extensions of time approved in accordance with this Policy.

No partial payment of the Sustainable Homes Rebate will be made for partial compliance.

- Sustainable Homes Rebate Brochure means a project specific document outlining the Rebate Assessment Criteria developed to improve the sustainability outcomes of a project and the requirements to achieve certainty of attaining those outcomes.
- Vendor means the owner of the land that is the subject of the Contract, being Landcom or any other landowner for whom Landcom acts.

Assessment of Sustainability Rebates

Rebate Assessment Criteria and Checklist

To ensure that all Rebate Applications are assessed fairly and consistently within Landcom and, in particular, within a project, a standard Rebate Assessment Criteria for each individual project is to be developed with a Rebate Assessment Checklist and used as part of the Sustainable Homes Rebate assessment and approval process.

The Rebate Assessment Criteria should be fair, reasonable and proportionate, taking into account the action to be undertaken or the outcome required by the Vendor. The Rebate Assessment Criteria must not be unnecessarily difficult, complicated or expensive relative to the Sustainable Homes Rebate amount so as to deter the Purchasers from achieving the specified action or outcome or act as a barrier to the Purchaser making a Rebate Application.

The Rebate Assessment Criteria must take into account the sustainability outcomes for the project. The Rebate Assessment Criteria and the Rebate Assessment Checklist should reflect the Sustainable Homes Rebate Brochure developed for that project. Both should be provided to all Staff involved in the rebate assessment process and used, without exception, in the assessment of Sustainable Homes Rebate Applications.

The Rebate Assessment Criteria should include:

- the relevant project's Sustainable Homes Rebate Brochure requirements;
- a Rebate Assessment Checklist of the sustainability requirements that a Purchaser must comply with in order to receive the Sustainable Home Rebate; and
- details of the non-compliances (if any) which would result in a Rebate Application being refused. The non-compliances should involve one or more of the essential elements, key components or principles being absent where the cumulative impact of non-compliant elements detrimentally affects the overall sustainability outcome of the property.

The marketing material for the project, including the project website, must clearly inform Purchasers that full compliance with the Rebate Assessment Criteria is required for the Sustainable Homes Rebate to be paid. This requirement should also be included in the Contract.

Assessment

When an eligible Rebate Application is received, the staff member responsible for assessment (the 'Assessor') must use the Rebate Assessment Criteria and Rebate Assessment Checklist to efficiently conduct a fair, consistent and objective initial assessment of the Rebate Application. This is done by checking the property against each relevant Rebate Assessment Criteria to assess overall compliance.

Extensions of time to apply for Sustainability Rebates

- Applications for the Sustainability Rebate must be received by Landcom on or prior to the date set out in the Contract ('Expiry Date').
- The only departure from strict compliance with this requirement is where, prior to the Expiry Date, a Purchaser contacts Landcom in writing and demonstrates (to Landcom's satisfaction) that extreme hardship or circumstances beyond the Purchaser's control have occurred. Documentation that supports the request should be provided by the Purchaser at this time.
- A Purchaser may request one extension of time to submit a Rebate Application.
- All such requests for extensions must be in writing and received from the Purchaser prior to the Expiry Date. The request will be referred to the relevant Development Director (or higher) who may approve a short extension of time to lodge the Rebate Application.
- Any requests for an extension of time received after the Expiry Date will be declined and the Purchaser will be ineligible to receive the Sustainable Homes Rebate.
- The Vendor may exercise their discretion to accept a late or non-conforming Rebate Application, where the Purchaser can satisfy the Vendor that:

- > the Purchasers had a genuine intention to satisfy the Rebate Assessment Criteria within the time provided by the Contract; and
- > due to circumstances beyond the Purchaser's control, the Purchaser will be prevented from submitting the Rebate Application before the Expiry Date or will be required to submit a non-conforming Rebate Application.
- Any extension should be reasonable and commensurate with the delay suffered by the Purchaser but must not exceed six (6) months.
- Any request for an extension beyond six (6) months will not be considered.
- Any Rebate Application received after the Expiry Date, where a request for an extension has not been received prior to the Expiry Date, will not be considered. The Purchaser will be ineligible to receive the Sustainable Homes Rebate and the Rebate Application will be declined.
- Landcom's project website, Staff and any Sustainable Homes Rebates marketing materials must provide clear information on extensions to the Expiry Date, the requirements which a Purchaser must satisfy in order to be eligible for an extension and how to apply for an extension.

Breaches

Staff will be in breach of this Policy if they assess, approve, pay or administer a Sustainability Rebate contrary to Landcom's Delegation Manual, Code of Conduct, Landcom's Rebate Policy and this Policy.

Breaches of this Policy may result in serious consequences, including disciplinary action.