



# NSW Offer for NABERS Ratings Conditions of Offer

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## Background

With support from the NSW Government, NABERS is pleased to offer two new opportunities designed to support buildings in NSW to measure and improve their environmental performance. This is in addition to the measures previously announced in March and July 2020, which were funded by the Commonwealth Government. (For more detail on those relief measures click [here.](#))

The two new offers available to buildings in NSW are:

1. Energy Starters program – to encourage new participation with NABERS; and
2. Carbon Neutral Leaders program – to encourage new participation in carbon neutral certification.

Pilot funding rounds will be open for applications until 31<sup>st</sup> March 2021.

This offer opens on Monday the 16<sup>th</sup> of November. It has a total budget of \$100,000 and it is expected that it will be fully subscribed before 31<sup>st</sup> March 2021.

### **Energy Starters Program**

This pilot program is designed to encourage new customers to begin measuring and managing their energy performance with NABERS and to create demand for energy management and Assessor services.

This offer is targeted at new NABERS participants.

Eligible buildings will receive a free lodgement for their NABERS Energy rating certification and an additional contribution to the assessor fee as detailed in Table 1 below.

Applications should reflect the true cost of the rating and not default to the maximum allowance. Evidence for the requested fee rate may be requested from applicants. Applications with more competitive costs will be given preference.

Assessor fees in excess of those listed in Table 1 may be considered on a case-by-case basis.

Assessors are expected to provide tailored recommendations for energy efficiency improvements to each participating building.

Table 1 – Assessor fee contribution for Energy Starters program

Building type	Size	NABERS Energy Certification lodgement fee waived (excl GST)	Maximum Assessor fee contribution (excl GST)
Office	<1000m2	\$562.50	\$2,300
Shopping Centre	<15000m2	\$1,125	\$3,000
Shopping Centre	>15000m2 - 50,000m2	\$1,125	\$4,000
Shopping Centre	>50000m2	\$1,125	\$4,500
Hotel	Any size	\$1,125	\$3,000
Data Centre	Any size	\$1,125	\$5,500
Apartment Building	Any Size	\$1,125	\$3,000
Office Tenancy	<1000m2	\$562.50	\$2,000
Co-assess	BB <1000m2 & all T <1000m2	\$2,250	\$6,000
Co-assess	BB >1000m2 & all T <1000m2	\$1,125	\$6,000
Co-assess	BB >1000m2 & all T >1000m2	\$1,125	\$6,000

#### Eligibility criteria:

1. Preference will be given to NSW buildings that have never rated with NABERS before and/or have not had a certified NABERS energy rating since 30 June 2015
2. cap of one offer per building type per building owner
3. cap of one assessor company per building type per offer
4. a building that falls within one of the following categories:
  - hotels
  - data centres
  - shopping centres
  - apartment buildings
  - office buildings under 1000m2 net lettable area (**NLA**)
  - office tenancy ratings under 1000m2 NLA or
  - office co-assess ratings (must include base building and minimum 2 tenancies).

Note - Only the NABERS tenancy fees are waived for co-assess applicants unless the NLA of the base building is under 1000m2.

#### Carbon Neutral Leaders Program

This pilot program is designed to support buildings seeking to achieve Climate Active carbon neutral certification with NABERS. It is targeted at buildings that have not previously achieved [carbon neutral certification](#).

A carbon neutral rating requires a NABERS energy rating, plus a carbon account for the building's remaining emissions and evidence that they have been offset using Climate Active approved methods.

All participants will benefit from a waived carbon neutral lodgement fee.

All sectors will have the NABERS Energy rating lodgement fee also waived, except for offices over 1000m<sup>2</sup>.

This offer also includes a contribution towards the assessor fee as detailed in Table 2 below.

The NSW Government Offer for the assessor fee contribution is intended to cover fees associated with both the carbon neutral rating and the energy rating.

Applications should reflect the true cost of the rating and not default to the maximum allowance. Evidence for the requested fee rate may be requested from applicants. Applications with more competitive costs will be given preference.

Assessor fees in excess of those listed in Table 2 may be considered on a case by case basis.

Participants in this program are required to obtain the appropriate amount of carbon offsets at their own cost in order to achieve carbon neutral certification.

Table 2 – Assessor fee contribution for Carbon Neutral Leaders program

<b>Building type</b>	<b>Size</b>	<b>NABERS/Climate Active carbon neutral fee waived (excl GST)*</b>	<b>Maximum Assessor fee contribution to both ratings (excl GST)</b>
Office	>2000m <sup>2</sup>	\$1,786.50	\$7,125
Office	1000m <sup>2</sup> to 2000m <sup>2</sup>	\$1,224	\$6,250
Office	<1000m <sup>2</sup>	\$1,224	\$4,300
Shopping Centre	<15000m <sup>2</sup>	\$1,786	\$5,000
Shopping Centre	>15000m <sup>2</sup> to 50,000m <sup>2</sup>	\$1,786	\$6,000
Shopping Centre	>50000m <sup>2</sup>	\$1,786	\$6,500
Hotel	all	\$1,786	\$5,000

\*all sectors have an additional energy fee that is waived under [Commonwealth Offer funding](#) except for offices over 1000m<sup>2</sup>

**Eligibility criteria:**

1. A NSW building that has not had a previous certified NABERS Carbon Neutral rating
2. cap of one offer per building type per building owner
3. cap of one assessor company per building type per offer
4. a building that falls in one of the following categories:
  - hotel
  - shopping centre
  - office building

5. minimum 4 Star NABERS energy rating (without Greenpower). Further eligibility is on the Climate Active terms and conditions [NABERS carbon neutral rating](#).

### **How to apply – Building owners and operators:**

Seek a competitive quote for your rating from an Assessor company (you may choose to get more than one quote). A list of accredited NABERS assessors can be found [here](#). Ask your assessor to provide advice on how to improve your building's performance as part of their offer. Your NABERS assessor will do the rest!

### **How to apply – Assessors**

Assessors are required to work with building owners to identify eligible buildings and collect the relevant building details. Assessors can send applications on an individual site basis or as a bundle however eligibility is limited to one building type per offer per Assessor company.

To apply for this offer, please email our NABERS inbox ([nabers@environment.nsw.gov.au](mailto:nabers@environment.nsw.gov.au)) with the following information:

- company of assessor undertaking NABERS rating(s).
- full name & company of the building owner(s) requesting the NABERS rating
- building address(es) and size types, including NLA, GLAR and number of apartments/hotel rooms (as applicable)
- rating type(s) (energy & carbon neutral (as applicable))
- date of expiry of last NABERS energy rating(s) (if applicable)\*
- itemised assessor fee(s) for each individual building (excl GST); and
- customer consent for works occurring at their site.

\*Contact the NABERS team if unable to find expiry date of most recent NABERS energy rating

Applications will also be reviewed on a first come, first served basis.

The NABERS team will assess applications for eligibility. If the assessor fee for a building falls outside the suggested range, the NABERS team will ask for evidence to support this. Successful applicants will be informed via email to both the assessor company and the building owner and be provided with a PO for the Assessor fee contribution.

NABERS will issue a purchase order (PO) to each assessor company that submits a compliant application on or before the 31<sup>st</sup> March 2021 or until the funding is fully allocated.

To ensure fair access, the maximum contribution to an Assessor company is capped at \$20,000 (Excl GST). This could be in one PO or several and covers both offers (carbon neutral and energy starters). The PO covers assessor fees only and will be eligible for invoice once the rating(s) have been certified by the NABERS administrator.

### **NSW Government Pilot Offer from NABERS: Terms and Conditions**

Information on the eligibility criteria and how to apply for an Offer under the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program forms part of these Terms and Conditions. By participating in the 'Energy Starters' and 'Carbon Neutral Leaders' program, the Applicant accepts these Terms and Conditions.

1. In these Terms and Conditions:

a. Definitions

**Applicant** means the person, firm or company that applies for an Offer under the 'Energy Starters' and 'Carbon Neutral Leaders' program.

**Assessor** is an individual that has been accredited by the NABERS administrator ([link](#)).

**NABERS** means National Australian Built Environment Rating System

**Offer** means a fee waiver and/or fee contribution as determined by NABERS under the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program.

**Building Owner** means a parent organisation which has operational control of a building.

2. **Application of these Terms and Conditions**

- a. NABERS reserves the right to review and amend these Terms and Conditions at any time without notice. The replacement Terms and Conditions will take effect on being posted to the NABERS website ([link](#)).
- b. Applicants are responsible for checking the NABERS website for the most up to date Terms and Conditions, including information about the eligibility criteria, how to apply for an Offer and any key dates relating to the 'Energy Starters' and 'Carbon Neutral Leaders' program.

3. **Changes to the 'Energy Starters' and 'Carbon Neutral Leaders' program**

- a. NABERS reserves the right to change and vary the Offer at any time without notice. NABERS will endeavour to take into consideration, where appropriate, the impact on any outstanding applications before any action is taken.
- b. Applicants are responsible for checking the NABERS website for the most up to date Offer.

4. **Applicant obligations**

- a. The Applicant must:
  - i. ensure that all information submitted in an application for an Offer is true and correct at the time of submission;
  - ii. promptly notify NABERS if there are any changes to the information submitted to NABERS;
  - iii. obtain the relevant consents and permissions from the building owner and/or operator prior to submitting the application to NABERS;

- iv. notify the building owner(s) that it intends to submit an application for an Offer, and if the application is successful, the Applicant will pass on the savings under an Offer to the building owner and/or operator (as applicable).
- b. The Applicant is responsible for checking the NABERS website for the most up to date information relating to the eligibility criteria and any other information that is required to participate in the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program.
- c. The Applicant acknowledges that applying to NABERS will not guarantee an Offer.

## **5. Application process**

- a. NABERS will review applications on a first come first serve basis.
- b. Applications must be lodged on or before 31 March 2021 and any applications submitted after this date will not be accepted or reviewed by NABERS.
- c. An application for an Offer that meets the eligibility criteria and any other conditions outlined in the NABERS website may or may not be accepted by NABERS, at its sole discretion. The NABERS decision is final and NABERS is not required to provide reasons to the Applicant.
- d. Participation is capped at one Offer per building sector per building owner.
- e. If the application is successful, NABERS will:
  - i. inform the Assessor and the building owner via email; and
  - ii. cover the assessor fees that are applicable to the Applicant. To be clear, if the assessor fees fall outside the ranges as detailed in Table 1 – Assessor fee contribution for Energy Starters program and Table 2 – Assessor fee contribution for Carbon Neutral Leaders program, NABERS may request additional information from the Applicant to support its application and eligibility for an Offer on a case-by-case basis.
- f. Where an application for an Offer is successful, the Assessor must lodge the rating on or before 30 June 2021 or the Offer will be withdrawn.

## **6. Invoices and purchase orders**

- a. No invoice will be issued for NABERS ratings where fees are waived, unless specifically requested by the Assessor.
- b. Subject to a successful application, NABERS will issue a purchase order (PO) to the Assessor. Once a PO has been fully invoiced, an additional application from the same Assessor can be submitted so long as its still within the \$20,000 (Excl GST) cap. For

clarity, the PO only covers the Assessor fees and can be invoiced once the rating(s) has been certified by the NABERS administrator.

## **7. Collection and use of information**

- a. Confidential information submitted with an application will be treated as confidential by NABERS unless otherwise required by law.
- b. All participants in the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program consent to NABERS using, storing and releasing their personal information for lawful purposes. Participants should note that NABERS may seek and share information about an application with other NSW Government departments for the purposes of assessing applications and maintaining the integrity of the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program but only on a need-to-know basis.

## **8. Due diligence and audits**

- a. NABERS reserves the right, at its discretion, to conduct such due diligence enquiries on Applicants as it sees fit during the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program to verify any information and ensure value for money and the integrity of the program. To be clear, information submitted with an application may be subject to investigation, reference checking, invoice comparison, searches, interview, enquiries, and confirmation.
- b. NABERS may audit an Assessor's tailored energy efficiency recommendations delivered to a building as required under the 'Energy Starters' pilot program. Non-compliance may result in withdrawal of the offer.

## **9. Release and indemnity**

- a. The Applicant declares and warrants to NABERS that they have read, understood and fully accept these Terms and Conditions. The Applicant agrees to release and indemnify NABERS against all loss, damage or other consequence whatsoever whether direct or indirect, which may arise from the Applicant's participation in the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program.
- b. The release and indemnity contained in this clause survives the period of participation in the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program.

## **10. Liability and general**

- a. NABERS is not liable for any loss or damage, including personal injury, that may be sustained by the Applicant, including an Assessor, building owner and operator, while participating in the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program.

- b. NABERS expressly disclaims all liability, to the extent permitted by law, for any loss, damage or other consequence whatsoever whether direct or indirect, which may arise from the Applicant's participation in the 'Energy Starters' and 'Carbon Neutral Leaders' pilot program.
- c. The Applicant must not assign or subcontract its rights and obligations under the Terms and Conditions or in relation to an Offer, without NABERS' prior written consent.
- d. No rights under these Terms and Conditions will be waived except by notice in writing signed by the waiving party.
- e. These Terms and Conditions are governed by the laws of the State of New South Wales.