

# Managing impacts of COVID-19 on NABERS ratings v1.0

## Contents

1	Purpose .....	1
2	Use of clarifications and Rulings in this document.....	1
3	Clarifications and FAQs .....	2
4	Ruling #1 – Managing impacts of COVID-19 on site visits for NABERS Energy, Water and Carbon Neutral ratings (valid until 30 <sup>th</sup> April 2020).....	5
5	Ruling #2: Managing the impacts of COVID-19 on site visits for NABERS Waste ratings (valid until 30 <sup>th</sup> April 2020).....	9
6	Ruling #3: Managing the impacts of COVID-19 on TOS and Computer Count for NABERS Energy for Office Whole Building and Tenancy ratings (valid until 30 <sup>th</sup> April 2020).....	9
7	Changes to this document .....	11

**ISSUED: Wednesday 25<sup>th</sup> March 2020**

## 1 Purpose

Assessors and building owners have raised questions with the NABERS National Administrator (NABERS) and the Commercial Building Disclosure program (CBD) about the impacts of COVID-19 on NABERS ratings.

This document answers questions, provides clarifications and presents three time-bound Rulings regarding these impacts. The answers and Rulings have been put into the same document for ease of use by Assessors.

**Some sections have been highlighted to denote their importance.**

NABERS will continue to monitor the changing circumstances brought on by the spread of COVID-19 and may extend these Rulings and provide further Rulings as the situation unfolds.

**Note:** The last section of this document contains a summary of changes since the previous version.

## 2 Use of clarifications and Rulings in this document

Assessors do not need to seek prior written approval if they are using the Clarifications and FAQs included in Section 3 of this document.

Assessors wishing to use the Rulings outlined in this document must seek prior approval from NABERS - please refer to the Rulings for more details.

NABERS will aim to provide all approvals within a timely manner and work to reduce and/or eliminate the need for prior approval.

Where Assessors have used a Ruling to complete a rating, the Assessors must download a copy of this document and keep it with their rating documentation to justify the version that was used.

NABERS will also keep superseded versions of this document online for reference.

If Assessors are unsure how to apply the clarifications or Rulings they must contact NABERS [nabers@environment.nsw.gov.au](mailto:nabers@environment.nsw.gov.au).

## 3 Clarifications and FAQs

### 3.1 Can I get an exemption from my CBD obligations if my building is impacted by COVID-19?

NABERS provides Rulings on whether buildings can be rated or not, with the data that is available. Buildings to date have continued to be certified across Australia. If you believe the building you are working on has a unique situation which means it cannot be rated, please contact us.

Questions around Building Energy Efficiency Disclosure (BEED) Compliance and exemptions should be directed to the CBD program, and will be reviewed on a case-by-case basis. Please refer to the section on 'Business continuity' on the [CBD website](#).

### 3.2 Does NABERS require the same evidence if the building is impacted by COVID-19?

Aside from the exceptions listed in the Rulings below, the same evidence requirements remain in place for NABERS ratings.

The Assessor remains responsible for the accuracy of their rating and must collect and retain the required documentation as per the Rules and provide this for audit if required.

If an Assessor is uncertain of the correct approach, they should contact NABERS in advance.

### 3.3 What should I do if an Assessor cannot conduct a site visit due to travel restrictions, illness or quarantine?

The Rules for NABERS ratings allow for another Assessor accredited in the same rating type to conduct a site visit (see table below).

This option should be used where possible. Documentation surrounding this option must be kept and provided for audits where required.

Rating Type	Section in the Rules	Extract from the Rules
Offices Energy and Water Hotels Energy and Water Data Centres Energy Shopping Centres Energy and Water	Section 2.8 Site Inspection	<i>If the Assessor cannot physically conduct the site inspection, they may delegate this task to another Assessor</i>
Apartment Buildings Energy and Water	Section 4.6 Site Inspection	<i>If the Assessor cannot physically conduct the site inspection, they may delegate this task to another Assessor</i>
Indoor Environment	Section 5.2 Site Inspection	<i>If the Assessor cannot physically conduct the site inspection, they may delegate this task to another Assessor who is also accredited for NABERS Indoor Environment</i>
Waste	NA	Not mentioned in the Rules, but allowed

### 3.4 What should I do if a site visit cannot be conducted due to the impacts of COVID-19?

#### 3.4.1 Energy, Water and Carbon Neutral ratings

In this situation, Assessors must refer to the Ruling provided in this document: *Ruling #1: Managing the impacts of COVID-19 on site visits for NABERS Energy, Water and Carbon Neutral ratings (valid until to 30<sup>th</sup> April 2020).*

To clarify, this includes all NABERS Energy and Water ratings, including Shopping Centre ratings.

**NABERS will consider extending the validity of this Ruling, as well as the inclusion of additional provisions as the situation progresses.**

NABERS will also likely consider a transition period at the end of the government mandated shutdown period.

This Ruling is not available for Indoor Environment and Waste ratings. Further guidance for Waste ratings is provided below. For more guidance on Indoor Environment ratings please contact NABERS.

#### 3.4.2 Waste Ratings

Under the current Waste Rules ratings can occur without a site visit and in these cases the rating is assigned the “basic quality” metric for their waste data.

The Waste Rules also allow for a non-Assessor to conduct a contamination audit under the supervision of an Accredited Assessor.

For the period between the release of this Ruling and 30<sup>th</sup> April 2020, NABERS will allow this supervision to be conducted virtually. This is included in the Ruling in this document: *Ruling #2: Managing the impacts of COVID-19 on contamination audits for NABERS Waste ratings (valid until 30<sup>th</sup> April 2020)*.

For more guidance, please contact NABERS.

### **3.5 How should computer counts and Tenancy Occupancy Surveys be conducted if the tenancies have very low occupancy due to COVID-19?**

In this situation, Assessors must refer to the Ruling provided in this document: *Ruling #3: Managing the impacts of COVID-19 on Tenant Occupancy Surveys and Computer Count for NABERS Energy for Office ratings (valid until 30<sup>th</sup> April 2020)*.

**NABERS will consider extending the validity of this Ruling, as well as the inclusion of additional provisions as the situation progresses.**

NABERS will also likely consider a transition period at the end of the government mandated shutdown period.

Assessors should note that these provisions also apply to Whole Building and Tenancy ratings in co-assess applications.

### **3.6 How will NABERS treat a period of building shutdown for office ratings?**

NABERS is still able to provide Energy and Water ratings for office buildings during shutdown periods.

The NABERS Rules already include provisions that can capture low-occupancy short-term situations (such as quarantines or shutdowns). NABERS will continue to monitor the situation and receive advice from health authorities; and the guidance contained in this document will be updated in the event of longer-term shutdowns. NABERS also welcomes any questions or concerns you may have in this rapidly evolving situation.

The sections below provide guidance for Office Base Building and Whole Building ratings.

#### **4.6.1 Office Base Building Ratings**

For Base Building ratings, the crucial test is whether any functional space is “ready for occupation” as defined in Section 2.2 of the *NABERS Energy and Water for Offices – Rules v3.2*:

*A space within the NLA of a building is ready for occupation when a person or organization is entitled to exclusive use of the space (for example, through ownership or a lease or other agreement), and requires normal Base Building services, such as access, air conditioning, lighting and power to be provided to the space.*

Depending on the exact circumstances, a shutdown may be considered as either “ready for occupation” or *not* “ready for occupation”.

If it is considered “ready for occupation”, occupation days and energy consumption would be entered as normal, regardless of whether the building was tenanted or not. It is likely that most periods of shutdown would still be considered “ready for occupation” by NABERS as a lease would still be in place.

If a shutdown period is interpreted as not “ready for occupation” then the building would be considered vacant and occupation days would be marked as “0” for the period in question. Where a lease is in place, NABERS will accept evidence of an OTA demonstrating that Base Building services are not being provided for the period.

Any energy use of the space would still need to be included as per Section 6.1.3 of *NABERS Energy and Water for Offices – Rules v3.2*. This means that buildings with high periods of vacancy can still be rated by NABERS.

#### 4.6.2 Whole Building Ratings

The crucial test of Whole Building and Tenancy ratings is whether the premises is actively “used by tenants”, as defined in Section 2.2 of *NABERS Energy and Water for Offices – Rules v3.2*:

*A space within the NLA of a building is used by the tenants when it is not being refurbished or fitted out and where there is occupation by, and activities performed by or for, holders of a lease or other agreement for use of office space. This may involve access by a variety of employees, contractors, suppliers, business visitors and others.*

Depending on the exact circumstances, a shutdown may be considered as **not** actively used by tenants. In this case the occupation days should be entered as “0” for the period in question.

Where a shutdown is considered as “actively use by tenants” Assessors must refer to the Ruling provided in this document: *Ruling #3: Managing the impacts of COVID-19 on Tenant Occupancy Surveys and Computer Count for NABERS Energy for Office ratings (valid until 30<sup>th</sup> April 2020)*.

Any energy use of the space would still need to be included as per Section 6.1.3 of the *NABERS Energy and Water for Offices – Rules v3.2*. This means that buildings with high periods of vacancy can still be rated by NABERS.

### 3.7 Can I get pre-approval for a portfolio of buildings where I am following the same method of compliance?

Yes this is possible.

## 4 Ruling #1 – Managing impacts of COVID-19 on site visits for NABERS Energy, Water and Carbon Neutral ratings (valid until 30<sup>th</sup> April 2020)

### 4.1 Use of this Ruling

This Ruling is to be used for NABERS Energy, Water and/or Carbon Neutral ratings where a site visit was proposed for the period between 1<sup>st</sup> March 2020 and 30<sup>th</sup> April 2020, and the site visit cannot be conducted due to the following:

- Another Assessor cannot be used due to availability; or

- The risk of the site visit is deemed to be too high by an Assessor or Assessor organisation; or
- The building is in lock-down, and access to the building has been limited; or
- The visit was to be conducted during the government mandated shutdown of non-essential business, starting on 23rd March 2020.

**Note:** Evidence proving the proposed site visit date must be approved by NABERS and could include:

- Calendar showing site visits for ratings over the course of the year;
- Correspondence with the building owner;
- Travel bookings;
- Comparison of timings with other similar ratings, showing that the site visit would typically occur at that point in the rated period.

This Ruling is not available for Indoor Environment and Waste ratings.

This Ruling is only valid until 30th April 2020 and is intended to provide additional flexibility around the Rules. NABERS will consider extending the validity of this Ruling, as well as the inclusion of additional provisions, as the situation progresses.

**This Ruling can only be used with prior written approval from NABERS on a case-by-case basis, and its use is at the discretion of NABERS. This prior approval stage may be removed from future versions of the Ruling as the situation progresses.**

The options have been listed in order of priority and a combination of the options below is also acceptable.

### 5.2.1 Entry into NABERS Rate or the NABERS for Apartment Buildings Platform

When submitting a rating using this Ruling, please select:

- “No” to the question under “Compliance with the NABERS Rules”, and fill out the text box with the version number of this document that have you used and how you have used this Ruling; and
- “No” to the question under Mandatory Site Inspections.

#### Compliance to the NABERS Rules

Is any part of the assessment of this rating **not in compliance** with the version(s) of the Rules as specified above?

<Select>

#### Mandatory Site Inspection

Did you personally conduct a site inspection of the entire rated premises for this rating as per the Rules?

Yes

If the site inspection was only partly completed, some of the functional spaces were not accessible or the site visit was not performed at all by the assessor of this rating, then select 'No' on the drop down list and fully describe the reasons why.

## 4.2 Use of a prior site visit

For the period during which this Ruling is valid, NABERS will allow Energy, Water and Carbon Neutral ratings to be lodged using evidence from a prior site visit in the following circumstances:

- The Assessor has prior approval from NABERS via email. When seeking this approval Assessors must provide evidence of their proposed site visit date; and
- The Assessor is able to provide evidence that the site visit would have occurred between **1<sup>st</sup> March 2020 and 30<sup>th</sup> April 2020;** and
- Evidence has been collected to demonstrate that either:
  - Another Assessor is not available; or,
  - The Assessor is not able to access the site because the risk of a site visit has been deemed to be too high by an Assessor or Assessor organisation; or,
  - The building is in lock-down, and access to the building has been limited; or
  - The visit was to be conducted during the government mandated shutdown of non-essential business, starting 23rd March 2020; and
- The Assessor undertook the prior site visit themselves or is able to obtain a detailed briefing with notes and photos from a previous Assessor; and
- The prior site visit related to the most recent rating and was within the last 3 years; and
- The Assessor is able to source confirmation of building usage data (such as hours and computer count) as well as any other changes that have occurred that might impact the rating; and
- The Assessor has enough compliant information to conduct the rating according to the Rules.

If all of the conditions above cannot be met, a prior site visit cannot be used.

## 4.3 Use of non-Assessor information from a site visit, where a prior site visit cannot be used or is not available

For the period during which this Ruling is valid, NABERS will allow Energy, Water and Carbon Neutral ratings to be lodged using evidence from a non-Assessor site visit in the following circumstances:

- The Assessor has prior approval from NABERS via email. When seeking this approval, Assessors must outline their proposed strategy and state why they are unable to use a prior site visit; and
- The Assessor is able to provide evidence that the site visit for the proposed rating would have occurred between **1<sup>st</sup> March 2020 and 30<sup>th</sup> April 2020;** and
- Evidence that a prior site visit cannot be used or is not available can be provided; and
- Evidence has been collected to demonstrate that either:
  - Another Assessor is not available; or,

- The Assessor is not able to access the site because the risk of a site visit has been deemed to be too high by an Assessor or Assessor organisation; or,
- The building is in lock-down, and access to the building has been limited; or
- The visit was to be conducted during the government mandated shutdown of non-essential business, starting 23rd March 2020; and
- Evidence that the non-Assessor used is familiar with the operation of the building can be provided (building or facilities managers are preferred non-Assessors); and
- The Assessor has enough compliant information to conduct the rating according to the Rules.

**Note:** NABERS strongly encourages the use of virtual technology to conduct a site visit through a non-Assessor. For example, a video-call walk through with a facilities manager. The video can then be retained for Level 2 audits.

If all of the conditions above cannot be met, information from a non-Assessor cannot be used.

#### 4.4 Use of conservative inputs where a building or tenancy is in lock-down for access due to COVID-19

For the period in which this Ruling is valid, NABERS will allow Energy, Water and Carbon Neutral ratings to be lodged using conservative inputs in the following circumstances:

- The Assessor has prior approval from NABERS via email. When seeking this approval, Assessors must outline their proposed strategy and state why they are unable to use a prior site visit or non-Assessor information; and
- The Assessor is able to provide evidence that the site visit for the proposed rating would have occurred between **1<sup>st</sup> March 2020 and 30<sup>th</sup> April 2020**; and
- Evidence that a prior site visit cannot be used or is not available can be provided; and
- Evidence that information from a non-Assessor cannot be used or is not available can be provided; and
- Evidence that the building is:
  - In lock-down for access due to COVID-19 can be provided; or
  - The visit was to be conducted during the government mandated shutdown of non-essential business, starting 23rd March 2020; and
- The Assessor is able to make conservative allowances for the relevant rating inputs.

**Example:** Conservative allowances could include the use of default values for computer counts or deeming all car parks to be naturally ventilated in Apartment Building or Shopping Centre ratings.

**Note:** Assessors may refer to Ruling #3 for alternative evidence for computer counts

If the Assessor is unsure about whether the input is conservative or not, then the rating cannot proceed.

If all of the conditions above cannot be met, conservative inputs cannot be used and the rating cannot proceed.

If this is the case, the Assessor should contact NABERS for confirmation. If the building has a BEED obligation, the Assessor should then seek an exemption from the CBD program.

## 5 Ruling #2: Managing the impacts of COVID-19 on site visits for NABERS Waste ratings (valid until 30<sup>th</sup> April 2020).

For ratings that were due to undergo a contamination audit between the release date of this Ruling and 30<sup>th</sup> April 2020, NABERS will allow an Accredited Assessor to supervise a contamination audit conducted by a non-Assessor virtually.

Assessors must retain evidence proving that the contamination audit would have occurred between the release date of this Ruling and 30<sup>th</sup> April 2020.

No prior approval is required to use this Ruling.

## 6 Ruling #3: Managing the impacts of COVID-19 on TOS and Computer Count for NABERS Energy for Office Whole Building and Tenancy ratings (valid until 30<sup>th</sup> April 2020).

### 6.1 Use of this Ruling

This Ruling is to be used for NABERS Energy for Office Whole Building and Tenancy ratings where:

- A building or tenancy has very low occupancy due to COVID-19; and
- The Computer Count or Tenant Occupancy Survey would have occurred between **1<sup>st</sup> March 2020 and 30<sup>th</sup> April 2020**; and
- There is evidence that this period of very low occupancy has impacted the ability of the Computer Counts and Tenancy Occupancy Surveys to accurately represent the rated period.

This Ruling is only valid until 30<sup>th</sup> April 2020 and is intended to provide additional flexibility around the Rules. NABERS will consider extending the validity of this Ruling, as well as the inclusion of additional provisions, as the situation progresses.

**This Ruling can only be used with prior written approval from NABERS on a case-by-case basis, and its use is at the discretion of NABERS. This prior approval stage may be removed from future versions of the Ruling as the situation progresses.**

## 6.2 Computer Counts where buildings have low occupancy due to COVID-19

For the period in which this Ruling is valid, NABERS will allow NABERS Energy for Whole Building and Tenancy ratings to be lodged using alternative evidence for the Computer Count in the following circumstances:

- The Assessor has prior approval from NABERS via email. When seeking this approval, Assessors must outline their proposed strategy; and
- Evidence of very low occupancy in the building is available, showing this is directly related to COVID-19 can be provided; and
- Evidence as to why the default value for Computer Count was not appropriate for use can be provided; and
- Evidence as to why conducting a standard Computer Count in line with the NABERS rules is not appropriate can be provided; and
- Alternative evidence of the number of computers can be provided.

The use of this Ruling is at the discretion of NABERS, and will depend on the robustness of the alternative method proposed by the Assessor. NABERS will be assessing whether the alternative evidence for Computer Count will provide a fair representation of the number of computers in the rated period.

**Note 1:** Evidence of very low occupancy can be confirmed by the tenant or building owner. It must be clear that the space has not been vacated for any other reason.

**Note 2:** Evidence of why the default computer count is not appropriate could include evidence of an unreasonable the impact on the star rating.

**Note 3:** Alternative evidence of the number of computers could include a combination of:

- Computer count from the previous rating;
- Photos
- Confirmation from the tenant that the figures for this rated period are similar; and/or

If all of the conditions above cannot be met, alternative evidence for Computer Count cannot be used.

## 6.3 Use of Tenant Occupancy Surveys where buildings have been heavily vacated due to the impacts of COVID-19

For the period in which this Ruling is valid, NABERS will allow NABERS Energy for Whole Building and Tenancy ratings to be lodged using the following method instead of using a Tenant Occupancy Survey for the duration of the Rated Period:

- NABERS Energy and Water for Offices – Rules v3.2: 4.3.1/4 1 OTA Hours correction for Tenancy and Whole building ratings (OTA Hours minus 5).

This Ruling can only be used in the following circumstances:

- The Assessor has prior approval from NABERS via email. When seeking this approval, Assessors must outline their proposed strategy; and

- Evidence of very low occupancy in the building is available, showing this is directly related to COVID-19; and
- Evidence showing current occupancy patterns are not representative of the Rated Hours or that a valid TOS could not be sourced due to occupancy failing to meet the required minimum 20% occupancy threshold; and
- A valid OTA is available.

The use of this Ruling is at the discretion of NABERS.

**Note:** Evidence of very low occupancy can be confirmed by the tenant or building owner. It must be clear that the space has not been vacated for any other reason.

If all of the conditions above cannot be met, this Ruling cannot be used.

## 6.4 Entry into NABERS Rate

When submitting a rating using this Ruling, please select:

- “No” to the question under “Compliance with the NABERS Rules”, and fill out the text box with the version number of this document that have you used and how you have used this Ruling.

Compliance to the NABERS Rules	
Is any part of the assessment of this rating <b>not in compliance</b> with the version(s) of the Rules as specified above?	<input type="text" value="&lt;Select&gt;"/>
Mandatory Site Inspection	
Did you personally conduct a site inspection of the entire rated premises for this rating as per the Rules?	<input type="text" value="Yes"/>
If the site inspection was only partly completed, some of the functional spaces were not accessible or the site visit was not performed at all by the assessor of this rating, then select 'No' on the drop down list and fully describe the reasons why.	

## 7 Changes to this document

This section summarises the changes made to this document since the DRAFT FOR COMMENT version.

Section number	Details of change
NA	Added subsection numbering for ease of communication.
1	Moved the following sentence to the first section: <i>NABERS will continue to monitor the changing circumstances brought on by the spread of COVID-19 and may extend this Ruling as the situation unfolds.</i>

Section number	Details of change
	Changed <i>Ruling</i> to <i>Rulings</i> . This update was made throughout the rest of this document.
2	Added this section.
3	<p>Changed section header from “Coverage” to “Use of clarifications and Rulings in this document”.</p> <p>Changed the text to clarify where and how approval should be sought. These are detailed in each Ruling.</p>
4.3	<p>Added underlined text:  <i>The Rules for NABERS ratings allow for another Assessor <u>accredited in the same rating type</u> to conduct a site visit (see table below).</i></p> <p>For Waste ratings, deleted the following text:  <i>Not mentioned, but allowed <del>with prior approval from the National Administrator</del></i></p>
4.4	<p>Added the following clause:</p> <ul style="list-style-type: none"> <li>- <i>The visit was to be conducted during the government-mandated shutdown of non-essential business, starting on 23rd March 2020.</i></li> </ul> <p>This clause has also been repeated throughout the Ruling in Section 5. These additions have not been separately listed in this table.</p> <p>Added to the general text:</p> <ul style="list-style-type: none"> <li>- <i>NABERS will also likely consider a transition period at the end of the government-mandated shutdown period.</i></li> <li>- <i>To clarify, this includes all NABERS Energy and Water ratings, including Shopping Centre ratings.</i></li> </ul>
NA	Deleted the section on delayed site visits as it was poorly understood and is not a requirement at this stage. This will be considered for future versions of this document if required by Assessors.
4.4.1	Added further guidance for waste ratings and referred to Ruling #2.
4.5	Added section referring to how to conduct computer counts and Tenant Occupancy Surveys if floors have very low occupancy due to COVID-19 and referred to Ruling #3.
4.7	Added confirmation that pre-approval can be obtained for a portfolio of buildings where same method is being used.
5	Added clarification that <b>this Ruling</b> is valid until 30 <sup>th</sup> April 2020. This is <b>not</b> related to rating certificate expiry dates.
5.2.1	Added requirements for entry into NABERS Rate and the NABERS for Apartment Buildings Platform.
5.3	<p>Added:</p> <p><b>Note:</b> <i>NABERS strongly encourages the use of virtual technology to conduct a site visit through a non-Assessor. For example, a video-call</i></p>

Section number	Details of change
	<i>walk through with a facilities manager. The video can then be retained for Level 2 audits.</i>
6	Added Ruling #2 for contamination audits for NABERS Waste ratings.
7	Added Ruling #3 for Tenant Occupancy Surveys and computer counts in very low occupancy spaces due to COVID-19.

# Contact us

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