

Managing impacts of COVID-19 on NABERS ratings v4.2

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1 Purpose

Assessors and building owners have raised questions with the 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 four time-bound Rulings regarding these impacts. The answers and Rulings have been put into the same document for ease of use by Assessors.

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

Attention is drawn to the following features in this document:

v4.2 Changes to content have been highlighted in a blue box located under their respective subheading.



Important requirements and instructions are highlighted by an attention call-box.



Requirements that do not require prior approval from the National Administrator to be sought before use are highlighted by a green call-box.



Requirements that require prior approval from the National Administrator to be sought before use are highlighted by an attention call-box.

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 certain methods within individual Rulings may need to seek prior written approval from NABERS. Please refer to individual Rulings and methods for further details.

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

Where a Ruling has been used to complete a rating, 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NABERS will also keep superseded versions of this document online for reference.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 at nabers@environment.nsw.gov.au.

3 Clarifications and FAQs

3.1 What is the 'Ruling Expiry Date' and the 'COVID-19 Affected Period'?

v4.2 Extended Ruling Expiry date.

NABERS currently defines the 'Ruling Expiry Date' as:

31st August 2021

Up until the Ruling Expiry Date, use of the Rulings within this document by Assessors is permissible, subject to the requirements of the individual Rulings.

NABERS currently defines the 'COVID-19 Affected Period' as the following time period:

23rd March 2020 to the present

Note: Due to the uncertain nature of the COVID-19, the Ruling Expiry Date may be extended further.

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

NABERS provides Rulings on whether buildings are eligible for a NABERS rating with the data that is available. Buildings to date continue to be certified across Australia. If you believe the building you are working on has a unique situation which means that it cannot be rated, please contact NABERS at nabers@environment.nsw.gov.au.

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. It is

important to liaise with the CBD program teams as early as possible when disclosure obligations need to be met to ensure a resolution can be agreed on.

Please refer to the section on 'Business continuity' on the [CBD website](#).

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

Aside from the exceptions listed in the following Rulings, the same evidence requirements as per the respective Rules remain in place for NABERS ratings.

The Assessor remains responsible for the accuracy of their rating. They must collect and retain the required documentation as per the Rules and provide this documentation for a Level 2 audit if required.

If an Assessor is uncertain of the correct approach, they should contact NABERS prior to submission.

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

3.4.1 Use of another Assessor

Generally, the Rules for NABERS ratings allow for another Assessor accredited in the same rating type to conduct a site visit or spot measurement (see Table 1).

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

Table 1: Use of another accredited Assessor for NABERS ratings

Rating Type	Section in the Rules	Extract from the Rules
Energy and Water for Offices (v4.1)	Section 3.4 <i>Site visits</i>	<i>If the Assessor cannot conduct the site visit, they may only delegate this task to another Assessor accredited specifically for offices.</i>
Energy for Data Centres (v1.1) Energy and Water for Hotels (v3.2)	Section 2.8 <i>Site inspection</i>	<i>If the Assessor cannot physically conduct the site inspection, they may delegate this task to another Assessor.</i>

Energy and Water for Shopping Centres (v3.0)		
Energy and Water for Apartment Buildings (v1.1)	Section 4.6 <i>Site visit</i>	<i>If the Assessor cannot conduct the site visit, they may delegate this task to another Assessor accredited specifically for Apartment Buildings.</i>
Indoor Environment for Offices (v1.0)	Section 5.2 <i>Site inspection</i>	<i>NABERS IE rating. The Assessor may delegate this task to another Assessor, who is also accredited for NABERS IE if they cannot physically conduct the site inspection.</i>

3.4.2 Waste ratings

The Rules for Waste Ratings do not specifically outline that another Assessor can conduct site visits and audits. However, it is implied that any accredited Assessor can conduct a site visit: Section 3.2 of *NABERS Rules – Waste (v1.2)* simply states ‘A NABERS Accredited Assessor must conduct a site visit’.

3.4.3 Indoor Environment ratings – Subcontracting for on-site measurements

In addition to permitting another Assessor accredited in Indoor Environment ratings to conduct spot measurements, Section 5.2.1 of the *Indoor Environment for Offices Rules (v1.0)* also allows for on-site spot measurements to be made by ‘...a qualified Engineer or Indoor Environment Professional, with certification of qualifications’.

Further guidance on who could be subcontracted to undertake spot measurements can be found in Section 8.2 of this Ruling. Examples could include: appropriately certified and accredited sustainability engineers, IEQ engineers, occupational hygienists and HVAC engineers.

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

3.5.1 Energy, Water and Carbon Neutral ratings



NABERS may extend the validity of the Rulings referred to below, as well as the inclusion of additional provisions as the situation progresses. In addition, NABERS will likely consider a transition period for these Rulings in preparation for the post-COVID-19 period.

3.5.2 Energy, Water and Carbon Neutral ratings

Assessors must refer to Section 5 Ruling #1: Managing the impacts of COVID-19 on-site visits for NABERS Energy, Water and Carbon Neutral ratings.

3.5.3 Waste ratings

Assessors must refer to Section 6 Ruling #2: Managing the impacts of COVID-19 on contamination audits for NABERS Waste ratings.

3.5.4 Indoor Environment ratings

Except for situations where a building is under lockdown, Assessors must refer to Section 8 Ruling #4: Managing impacts of COVID-19 on spot measurements for NABERS Indoor Environment ratings.

When spot measurements cannot be taken due to a building lockdown, an Indoor Environment rating cannot be undertaken until such time as the building is accessible again.

3.6 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 Section 7 Ruling #3: Managing the impacts of COVID-19 on Tenant Occupancy Surveys and Computer Count for NABERS Energy for Office ratings.



NABERS may extend the validity of this Ruling, as well as the inclusion of additional provisions as the situation progresses. In addition, NABERS will likely consider a transition period for this Ruling in preparation for the post-COVID-19 period.

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

3.7 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.

Assessors should now refer to the updated Section 7.4 of this document.

NABERS welcomes any questions or concerns raised by its stakeholders during this rapidly evolving situation.



NABERS will review the impact of the low occupancy and building shutdown on rating results as the situation progresses.

3.8 What do I do if I have a commitment agreement?

If your site is affected by a commitment agreement, please contact the NABERS team at nabers@environment.nsw.gov.au. Further guidance will be provided on Commitment Agreements in the near future.

3.9 Can I get pre-approval for a portfolio of buildings if I am following the same method of compliance for all of them?

Yes, this is possible. Please contact the NABERS team at nabers@environment.nsw.gov.au for further information.

3.10 How do I treat the use of strata pools and gyms during the COVID-19 period for Apartment Building ratings?

Where restrictions on access to swimming pools and/or gyms have been put in place, the swimming pool and/or gym may be treated as closed for the duration of the restrictions, rounded to the nearest whole month.

If the pool or gym remained open during the COVID-19 Affected Period (see Section 3.1), Assessors should take care to document this for Level 2 audits.

As the Rules contain enough provisions around the usage of these facilities, no prior approval is required from the National Administrator.

3.11 Are there any Rulings for Hotel ratings?

NABERS has not received enough feedback on issues faced by Hotel ratings to warrant the creation of a Ruling. However, it is recognised that due to the evolving situation there may be certain requirements that may require a Ruling, including:

- Treatment of laundry service rooms;
- Input of star rating and hotel room cost.

If you are conducting a Hotel rating using data collected during the COVID-19 Affected Period (see Section 3.1), please contact the NABERS team at nabers@environment.nsw.gov.au.

3.12 What do I do if I have a situation/building that is not covered by a Ruling in this document?

This document deals with situations where existing requirements have become issues due to COVID-19. This is most common for Office Buildings (Energy, Water, Carbon Neutral, Indoor Environment and Waste ratings) and Shopping Centres (Energy and Water ratings).

If you are experiencing any difficulty in conducting a rating due to COVID-19 for any building type, please contact the NABERS team at nabers@environment.nsw.gov.au.

4 [RESCINDED] Ruling #0: Temporary extension of lodgement period and moratorium on use of data impacted by the COVID-19 affected period

After reviewing the feedback received on *Managing impacts of COVID-19 on NABERS ratings Consultation Paper*, NABERS has decided that it will no longer be pursuing the development of a normalising factor to correct COVID-19 affected data. Further to this, NABERS will take a 'business as usual' approach to the treatment of data collected during the COVID-19 affected period and will instead focus on providing additional clarification and guidance to help Assessors.

As a result of this approach, the moratorium on use of data impacted by the COVID-19 affected period has been lifted and this Ruling has been rescinded. Therefore, **rating periods for current and future rating applications are to follow the requirements set out in their respective Rules without any additional requirements.**

In addition, the submission period for all ratings has reverted to 120 days from the end of the rating period as per the NABERS Rules.

As this Ruling applies to all ratings, approval to use this Ruling is not required. If there are any issues created as a result of rescinding this Ruling, the Assessor should contact NABERS at nabers@environment.nsw.gov.au.

5 Ruling #1: Managing impacts of COVID-19 on site visits for NABERS Energy, Water and Carbon Neutral ratings

5.1 Use of this Ruling

5.1.1 General

NABERS ratings require site visits to be conducted for NABERS Energy, Water and/or Carbon Neutral ratings. NABERS strongly encourage Assessors to conduct site visits as normal in a COVID-19 safe manner or as stated in Section 3.4.1 of this document, outsourcing the site visit component of a NABERS rating application to another accredited Assessor as an alternative.

Due to the unpredictable nature of the COVID-19 pandemic, it is recognised that certain conditions may make conducting a site visits unfeasible. This Ruling provides an alternative methodology for a site visit in the event that an Assessor cannot conduct the site visit as normal due to following:

- A site visit cannot be undertaken in a COVID-19 safe manner, as assessed by the Assessor, the Assessor's organisation or the outsourced Assessor; or
- Travel and access to the premises is limited or unavailable by government mandated lock-down or border restrictions.

Note: As the situation brought about by the COVID-19 pandemic changes, it is possible that NABERS may introduce additional requirements regarding site visits.

This Ruling is only valid until the Ruling Expiry Date (see Section 3.1) 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 is not available for Indoor Environment and Waste ratings.

5.1.2 Entry into NABERS Rate or the NABERS for Apartment Buildings Platform

When submitting a rating using this Ruling, please select:

- “Yes” to the question under “*Compliance with the NABERS Rules*” and fill out the text box with the date that approval to use the Ruling was granted by the NABERS team; and
- “No” to the question under “*Mandatory Site Inspections*” and fill out the text box with the version number of the Ruling and method(s) used.

See Figure 1 below.

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?	Yes
Mandatory Site Inspection	
Did you personally conduct a site inspection of the entire rated premises for this rating as per the Rules?	No
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.	

Figure 1

5.1.3 Exemptions to requirements in this Ruling

NABERS is able to provide exemption(s) for any part of this Ruling on a case-by-case basis when requested prior to the submission of a rating application. Exemptions may be granted for situations where:

- The energy and water consumption or the HVAC service level of the premises has not significantly changed;
- Occupancy levels are normal;
- Only a small part of the rating period is within the COVID-19 Affected Period (see Section 3.1);
- An alternative methodology is proposed.

For further information, please contact NABERS at nabers@environment.nsw.gov.au.

5.2 Methods in lieu of a site visit

5.2.1 General

For the period during which this Ruling is valid, NABERS will allow Energy, Water and Carbon Neutral ratings to be lodged through one of the methods prescribed in Sections 5.2.2 to 5.2.5 of this Ruling.

The following criteria apply to all methods prescribed under this Section (5.2), and must be satisfied:

- Assessors must provide:
 - For Method 1 – Written evidence of their proposed site visit date; or
 - For Method 2 – Proposed strategy for use of non-Assessor information from a site visit and why the Assessor is unable to use a prior site visit; or

- For Method 3 – Proposed strategy for use of conservative inputs and why the Assessor is unable to use a prior site visit or non-Assessor information from a site visit.
- The Assessor is able to provide evidence that the site visit would have occurred during the COVID-19 Affected Period (see Section 3.1); and
- Evidence has been collected to demonstrate that:
 - An Assessor cannot conduct the site visit component due to either
 - A COVID-19 risk assessment deems a site visit cannot be done in a COVID-19 safe manner; or
 - Travel and access to the premises is limited or unavailable due to government mandated lock-down or border restrictions.

For further guidance on evidence and documentation requirements needed for NABERS approval to use this method, see Section 5.3 of this Ruling.

5.2.2 Method 1 – Use of a prior site visit



Prior written approval from the National Administrator to use Section 5.2.2 is not required.

To use Method 1, Assessors must demonstrate they meet the criteria of Section 5.2.1 of this Ruling, and provide the following:

- Evidence that 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
- Evidence that the prior site visit relates to the most recent rating and was within the last three years; and
- A proposed strategy to confirm building usage data (such as hours and computer count), as well as any other changes that have occurred from the previous site visit that might impact the rating.

The Assessor must have enough compliant information to conduct the rating in accordance with the Rules.



Method 1 cannot be used for two consecutive NABERS ratings for the same premises. For such scenarios, either Method 2 or Method 3 must be used in lieu of Method 1.

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

5.2.3 Method 2 – Use of non-Assessor information from a site visit, where a prior site visit cannot be used or is not available



Prior written approval from the National Administrator to use Section 5.2.3 is not required.

To use Method 2, Assessors must demonstrate they meet the criteria of Section 5.2.1 of this Ruling, and provide the following:

- Evidence that the non-Assessor used for the site visit is familiar with the operation of the building (building or facility managers are preferred non-Assessors); and
- A proposed strategy to conduct the site visit and confirmation of the information gathered from the non-Assessor.

The Assessor must have enough compliant information to conduct the rating in accordance with the Rules.

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

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

5.2.4 Method 3 – Use of conservative inputs where a building or tenancy is in lock-down for access due to COVID-19



Prior written approval from the National Administrator to use Section 5.2.4 is not required.

To use Method 3, Assessors must demonstrate they meet the criteria of Section 5.2.1 of this Ruling, and provide the following:

- Evidence that information from a non-Assessor cannot be used or is not available; and
- Evidence that:
 - The building is in lock-down for access due to COVID-19; or
 - The site visit was to be conducted during a government-mandated shutdown of non-essential business; and
- Confirmation that they are able to make conservative allowances for the relevant rating inputs.

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.

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.

5.2.5 Alternative methodology – Combination of Method 1, Method 2 and/or Method 3



Prior written approval from the National Administrator to use Section 5.2.5 is required.

Assessors can use a combination of the methods listed above to demonstrate they meet the criteria of Section 5.2.1 of this Ruling.

Assessors must provide the following:

- Evidence that information from a non-Assessor cannot be used or is not available; and
- Evidence that:
 - The building is in lock-down for access due to COVID-19; or
 - The site visit was to be conducted during a government-mandated shutdown of non-essential business; and
- Proposal of an alternative methodology that encompasses a combination of Method 1 (Use of a prior site visit), Method 2 (Use of a non-Assessor) and/or Method 3 (Use of conservative inputs).

Assessors must outline their proposed methodology as part of the approval process. For further guidance on evidence and documentation requirements needed for NABERS approval to use this method, see Section 5.3 of this Ruling.

5.3 Evidence and documentation requirements

Assessors must have the ability to demonstrate through evidence that they can meet the criteria of Section 5.2.1 of this Ruling. The evidence should look to eliminate any doubt in relation to the Assessor's eligibility to use the respective Ruling and may be demonstrated by a combination of evidence types.

All evidence provided is subject to NABERS' approval and may include (but is not limited to):

- Calendar invites (time-stamped), including their recipients;
- Site visit/travel itinerary for NABERS ratings;
- Written correspondence between Assessors and client/site team/building owner, etc.;
- Travel and accommodation bookings;
- Raised work order(s), invoice(s) or letters of engagement;
- Internal stakeholder communication advising of work-related travel restrictions;
- Previous site visit notes.

In principle, the evidence should demonstrate:

- The parties involved (i.e. the Assessor/Assessor organisation, the client, site management team, etc.);
- The communication that has been established between parties, concerning the draft rating;

- The key dates (scheduled site visits, rating periods, rating expiry dates, etc.).

In general, the NABERS team will not accept the following:

- Absence of supporting evidence or attachments;
- Illegible screenshots or snapshots;
- Word documents or other editable documents.

Assessors remain responsible for the accuracy of their ratings and must collect and retain all documentation as per the Rules, including any information gathered as part of this Ruling. This must be provided for Level 2 auditing, if required.

NABERS reserves the right to refuse requests on the grounds of inadequate or insufficient evidence.

If an Assessor is uncertain of the evidence type, they should contact NABERS in advance.

6 Ruling #2: Managing the impacts of COVID-19 on site visits for NABERS Waste ratings

6.1 Use of this Ruling

6.1.1 General

This Ruling is to be used for NABERS Waste ratings.

This Ruling is only valid until the Ruling Expiry Date (see Section 3.1) 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.



While not every part of this Ruling requires prior approval, it is highly recommended that Assessors contact NABERS to discuss conducting Waste Ratings as early as possible to get the latest updates and information.

6.1.2 Entry into NABERS Rate

When submitting a rating using this Ruling, please fill out the text box under the Assessor declaration conflict of interest with the following information:

- The Ruling version number; and, if applicable,
- The date that approval to use the Ruling was granted by the NABERS team.

6.1.3 Exemptions to requirements in this Ruling

NABERS is able to provide exemption(s) for any part of this Ruling on a case-by-case basis when requested, prior to submission of a rating application. Exemptions may be granted for situations where:

- Occupancy levels are not normal;
- Only a small part of the rating period is within the COVID-19 Affected Period (see Section 3.1);
- An alternative methodology is proposed.

For further information, please contact NABERS at nabers@environment.nsw.gov.au.

6.2 Amended definition of a 'normal operating day'



Prior written approval from the National Administrator to use Section 6.2 is not required.

Section 5.5.1 of the *NABERS Waste for Offices Rules* (v1.2) defines a 'normal operating day' as "...one where greater than 75 % of the full-time equivalent staff are expected to be present".

NABERS recognises that occupancy within buildings has varied significantly during the COVID-19 Affected Period (Section 3.1). In addition to very low occupancy experience during government-mandated restrictions and shutdowns, business have also placed restrictions on staff levels within their offices to better manage risk.

In order to enable audits to resume more quickly, NABERS is making the following change to staffing requirements:

- For the period during which this Ruling is valid, the requirement of full-time equivalent staff to be present onsite is reduced from 75 % to 50 %.

6.3 Extension of rating submission periods



Prior written approval from the National Administrator is required prior to use of Section 6.3.

Section 8.3 of the *NABERS Waste for Offices Rules* (v1.2) states that Assessors have 120 days from the end of the rating period to lodge the rating. After this date, ratings lodged will have reduced validity.

NABERS recognises that government-mandated restrictions and shutdowns of non-essential businesses have impacted the ability of Assessors to undertake waste audits that reflect the normal operations of a building. To provide certainty to building owners and Assessors, NABERS is making the following change to rating submission requirements:

- For the period during which this Ruling is valid, the audit period and submission period is extended to 180 days from the end of the rating period.

6.4 Use of prior rating audit data



Prior written approval from the National Administrator is required prior to use of Section 6.4.

Section 5.5 of the *NABERS Waste for Offices Rules* (v1.2) states that audits must be conducted either within the rating period or up to 120 days from the end of the rating period.

To provide greater flexibility for Assessors conducting NABERS Waste ratings, in addition to the extended audit period granted in Section 6.3, NABERS is making the following change to audit data requirements:

- For the period during which this Ruling is valid, Assessors can use the audit data from the site's previous certified rating, provided that the previous audit occurred either:
 - Within the rating application's rating period; or
 - No more than 120 days prior to the start of the rating application's rating period (see Figure 2).

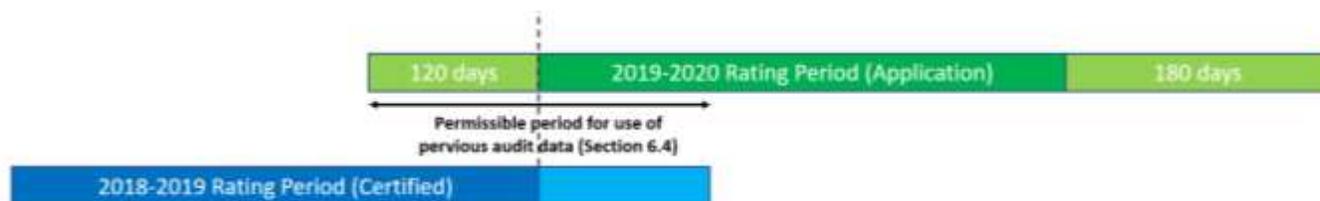


Figure 2

6.5 Conducting site visits and contamination audits remotely



Prior written approval from the National Administrator to use Section 6.5 is not required.

6.5.1 General

Under the current Waste Rules, Waste ratings can occur without a site visit being conducted. In such cases, the rating is assigned the “basic quality” metric for the waste data.

The changing nature of travel restrictions can impact the ability of Assessors to physically attend a site, making site visits and supervising contamination audits difficult. Therefore, NABERS will allow an accredited Assessor to undertake both activities virtually through the use of a non-Assessor for the duration of this Ruling.

6.5.2 Site visits

Where an accredited Assessor cannot physically conduct a site visit, NABERS will allow a site visit to be conducted virtually using a non-Assessor. When using a non-Assessor, the Assessor must provide the following documentation for L2 audits:

- Evidence that the non-Assessor used for the site visit is familiar with the operation of the building (building or facility managers are preferred non-Assessors);
- Details on how the site visit was conducted and confirmation of the information gathered from the non-Assessor;
- Evidence of enough compliant information to conduct the rating in accordance with the Rules.

6.5.3 Contamination audits

Where an accredited Assessor cannot physically be on site for the contamination audit, NABERS will allow the Assessor to supervise the contamination audit conducted by a non-Assessor virtually. When supervising virtually, the Assessor must provide the following documentation for L2 audits:

- Evidence proving that the contamination audit would have occurred during the COVID-19 Affected Period (see Section 3.1);
- Details on how the Assessor conducted the contamination audit virtually;
- Confirmation that the contamination audit was conducted in a COVID-19 safe manner.

7 Ruling #3: Managing the impacts of COVID-19 on NABERS Energy and Water for Office Buildings ratings

7.1 Use of this Ruling

7.1.1 General

This Ruling is to be used for NABERS Energy and Water for Offices ratings.

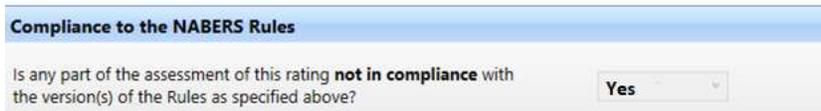
This Ruling is only valid until the Ruling Expiry Date (see Section 3.1) and is intended to provide additional flexibility around the Rules. NABERS will consider extending the validity of this Ruling, as well as the inclusion of additional provisions, as the situation progresses.

7.1.2 Entry into NABERS Rate

When submitting a rating using this Ruling, please select:

- “Yes” to the question under “*Compliance with the NABERS Rules*” and fill out the text box with the Ruling version number and date that approval to use the Ruling was granted by the NABERS team.

See Figure 3 below.



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?

Yes

Figure 3

7.1.3 Exemptions to requirements in this Ruling

NABERS is able to provide exemption(s) for any part of this Ruling on a case-by-case basis when requested prior to submission of a rating application. Exemptions may be granted for situations where:

- The energy and water consumption or the HVAC service level of the premises has not significantly changed;
- Occupancy levels are normal;
- Only a small part of the rating period is within the COVID-19 Affected Period (see Section 3.1);

- Where an alternative methodology is proposed.

For further information, please contact NABERS at nabers@environment.nsw.gov.au.

7.2 Method 4 – Computer Counts where buildings have low occupancy due to COVID-19

7.2.1 Scope



Prior written approval from the National Administrator is required prior to use of Section 7.2.

For the period during which this Ruling is valid, NABERS will allow Assessors to use an alternative methodology (Section 7.2.2) for counting computers in situations where the standard Computer Count method or use the default value is not appropriate. This applies to Whole Building and Tenancy ratings.

Prior to use of this method, the following evidence must be given:

- Evidence of very low occupancy in the building, and that this very low occupancy is directly related to COVID-19 and not due to any other reason;
- Evidence that the Computer Count has or would have occurred during the COVID-19 Affected Period (see Section 3.1);
- Evidence that this period of very low occupancy has impacted the ability of the Computer Counts to accurately represent the rating period.

Note: Evidence of very low occupancy can be confirmed by the tenant or building owner.

7.2.2 Method

Where it can be demonstrated that they have met the requirements of Section 7.2.1 of this Ruling, Assessors can propose an alternative methodology or evidence, in lieu of the normal Computer Count methodology, as per the Rules.

Assessors must provide the following when seeking approval to use this method:

- Evidence that the default value for the Computer Count is not appropriate for use; and
- Evidence as to why conducting a standard Computer Count in line with the NABERS Rules is not appropriate; and
- An alternative methodology for counting computers or evidence of the number of computers.

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 assess whether the alternative evidence for Computer Count provides a fair representation of the number of computers in the rated period.

If all of the conditions above cannot be met, this method for Computer Count cannot be used.

For further guidance on evidence and documentation requirements needed for NABERS approval to use this method, see Section 7.5 of this Ruling.

Note 1: Evidence of why the default Computer Count is not appropriate could include evidence of an unreasonable impact on the star rating.

Note 2: Alternative evidence of the number of computers could include a combination of:

- Computer Count from the previous rating;
- Photos or video from a virtual site tour;
- Confirmation from the tenant that the figures for this rated period are similar; and/or
- Office floor plans or recent furniture audits.

7.3 Method 5 – Use of Tenant Occupancy Surveys where buildings have been heavily vacated due to COVID-19



Prior written approval from the National Administrator to use Section 7.3 is not required.

7.3.1 Scope

For the period during which this Ruling is valid, NABERS will allow Whole Building and Tenancy ratings to be lodged using the method prescribed in Section 7.3.2.

Prior to use of this method, the following evidence must be given:

- Evidence of very low occupancy in the building, and that this very low occupancy is directly related to COVID-19 and not due to any other reason;
- Evidence that the Tenant Occupancy Survey has or would have occurred during the COVID-19 Affected Period (see Section 3.1);
- Evidence that this period of very low occupancy has impacted the ability of the Tenancy Occupancy Surveys to accurately represent the rating period.

Note: Evidence of very low occupancy can be confirmed by the tenant or building owner.

7.3.2 Method

Assessors must demonstrate that they have met the requirements of Section 0 of this Ruling, and provide the following:

- Evidence that a valid OTA is available; and
- Evidence that shows:
 - Current occupancy patterns are not representative of the rated hours; or

- A valid TOS could not be sourced due to occupancy failing to meet the required minimum 20 % occupancy threshold.

If the conditions above are met, NABERS will allow Energy for Whole Building and Tenancy ratings to be lodged using the following, in lieu of a Tenant Occupancy Survey:

- **OTA Hours minus 5** – see *NABERS Rules – Energy and Water for Offices* (v4.1): Section 5.3.2.1, Step 4 “OTA Hours correction for Tenancy and Whole building ratings.”

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

For further guidance on evidence and documentation requirements needed for NABERS approval to use this method, see Section 7.5 of this Ruling.

7.4 Changes to a premises' levels of service for comfort conditions and Owner Tenant Agreements

7.4.1 General

NABERS recognises that a space which is leased and has low or no occupancy due to COVID-19 is still considered occupied. This means that the definitions of 'occupied' and 'ready for occupation' may not be applied in the same way during the COVID-19 period.

It is also recognised that premises owners and managers will look to reduce energy and water consumption while occupancy is at lower than expected levels due to COVID-19. Such actions include adjusting BMS schedules, switching to 'on request' servicing and shutting down floors known to be unoccupied.

NABERS is supportive of these actions, and as an overarching principle during these unusual times, NABERS believes that buildings should be run in the most energy efficient way possible, as long as it is safe to do so.

7.4.2 Determining Core Hours during the COVID-19 period

For the period during which this Ruling is valid, Core Hours from prior to the COVID-19 Affected Period (see Section 3.1) should be applied to the whole rating period, regardless of the servicing arrangements during the COVID-19 Affected Period, if the following applies:

- A current lease is in place; and
- It is expected that the tenant will return once the COVID-19 restrictions are relaxed.

Core Hours are those determined using the OTA method in accordance with the *NABERS Rules – Energy and Water for Offices* (v4.1).

During the COVID-19 Affected Period, AHAC hours should continue to be specific to those days that AHAC was requested by tenants (i.e. AHAC hours do not overlap with the Core Hours of the COVID-19 Affected Period). Evidence of these should be in compliance with the existing

requirements as per Section 5.3.3 *AHAC: after-hours air conditioning requests* of the *NABERS Rules – Energy and Water for Offices (v4.1)*.

Note: If the Core Hours have changed, it is permitted to use Core Hours from prior to the COVID-19 Affected Period. AHAC from prior to the COVID-19 period should not, however, be applied to the COVID-19 Affected Period.

Assessors are still expected to retain documentary evidence of any agreement to change the level of service provided to tenants during the COVID-19 period to show that the space has been operated safely. This documentation may take the form of—

- an addendum to an existing lease agreement, or
- formal written correspondence, or
- an email between parties with agreement.

If there is no agreement which covers this period and the level of Base Building services have changed due to low occupancy, see Section 7.4.3.

No prior approval is required to meet the requirements of this Section 7.4.2 when documentary evidence of an agreement to change the level of service provided to tenants exists.

7.4.3 Situations where there is no agreement to alter service levels



To ensure the details within the signed statement are sufficient, written approval from the National Administrator is required prior to use of Section 7.4.

If no agreement exists between the premises owner and the tenant to alter service levels, Assessors must provide a signed statement to show that the space was operated safely.

The signed statement must include the following:

- What the previous level of service for comfort conditions was;
- A general description of the current level of service for comfort conditions. This does not need to be a specific response for each location or point in time;
- Which spaces are affected by the altered level of service for comfort conditions. This may simply be the whole building, or may be designated to specific areas;
- Why an agreement could not be made to change the levels of service for comfort conditions;
- A general description of how the space was kept safe for occupants throughout the period.

The statement must be signed by a party both familiar with and responsible for the management of the building. This could be a premises owner, building manager, facilities manager or portfolio asset manager.

An example of this statement is given in [Appendix A](#).

Note: A single statement may be made to apply to a portfolio of properties, provided the statement can present the information outlined above. For further information, contact NABERS at nabers@environment.nsw.gov.au.

7.5 Evidence and documentation requirements

Assessors must have the ability to demonstrate that they can meet the evidence requirements of Sections 7.2, 7.3 or 7.4 of this Ruling. The evidence should eliminate any doubt in relation to the Assessor's eligibility to use the respective Ruling. A combination of evidence types may be given.

Evidence used under Ruling #1 may also be used to demonstrate eligibility under Ruling #3.

All evidence provided is subject to NABERS' approval and may include (but is not limited to):

- Written correspondence between Assessors and client/site team/building owner, etc;
- Photos and video recordings, including recordings from virtual site tours;
- Office floor plans;
- Reverse calculator data inputs and star rating results;
- Previous site visit notes.

In general, the NABERS team will not accept the following:

- Absence of supporting evidence or attachments;
- Illegible screenshots or snapshots;
- Word documents or other editable documents.

Assessors remain responsible for the accuracy of their ratings and must collect and retain all documentation as per the Rules, including any information gathered as part of this Ruling. This must be provided for Level 2 auditing, if required.

NABERS reserves the right to refuse requests on the grounds of inadequate or insufficient evidence.

If an Assessor is uncertain of the evidence type, they should contact NABERS in advance.

8 Ruling #4: Managing impacts of COVID-19 on spot measurements for NABERS Indoor Environment ratings

8.1 Use of this Ruling

8.1.1 General

This Ruling is to be used for NABERS Indoor Environment ratings where:

- A building or tenancy has very low occupancy due to COVID-19; or
- A spot measurement was proposed to be conducted during the COVID-19 Affected Period (see Section 3.1) , and the spot measurement cannot be conducted due to the following:
 - Another accredited Assessor cannot be engaged due to availability; or
 - The risk of the site visit is deemed to be too high by an accredited 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 a government-mandated shutdown of non-essential business.

This Ruling is only valid until the Ruling Expiry Date (see Section 3.1) 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.

Where access cannot be obtained for a spot measurement, Assessors should delay the application for an Indoor Environment rating until access is granted to the premises.

For evidence and documentation requirements, see Section 8.5. Additional guidance can also be found in Section 5.3.

8.1.2 Entry into NABERS Rate

When submitting a rating using this Ruling, please select:

- “Yes” to the question under “*Compliance with the NABERS Rules*” and fill out the text box with the Ruling version number and date that approval to use the Ruling was granted by the NABERS team;
- (If applicable) “No” to the question under “*Mandatory Site Inspections*” and fill out the text box with the version number of the Ruling and method(s) used.

See Figure 4 below.

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?	Yes
Mandatory Site Inspection	
Did you personally conduct a site inspection of the entire rated premises for this rating as per the Rules?	No
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.	

Figure 4

8.1.3 Exemptions to requirements in this Ruling

NABERS is able to provide exemption(s) for any part of this Ruling on a case-by-case basis when requested prior to submission of a rating application. Exemptions may be granted for situations where:

- The energy and water consumption or the HVAC service level of the premises has not significantly changed;
- Occupancy levels are normal;
- Only a small part of the rating period is within the COVID-19 Affected Period (see Section 3.1);
- An alternative methodology is proposed.

For further information, please contact NABERS at nabers@environment.nsw.gov.au.

8.2 Method 6 – Use of a non-Assessor to undertake spot measurements for a site visit



Prior written approval from the National Administrator to use Section 8.2 is not required.

For the period during which this Ruling is valid, NABERS will allow Indoor Environment ratings to be lodged using spot measurements and evidence from a suitable non-Assessor.

Examples of suitable non-Assessors include qualified engineers or indoor environment professionals with any of the following certifications or qualifications:

- Certified Air Quality Professional (CAQP) | CASANZ
- Council-Certified Indoor Environmentalist (CIE/C) | IAQA
- Certified Occupational Hygienist (COG) | AIOH
- Engineer listed in the National Engineering Register (NERG) | EA

Assessors must demonstrate they meet the criteria in Section 8.1 of this Ruling, and provide the following:

- Evidence that either:
 - Another accredited 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 accredited Assessor or Assessor organisation; or,
 - The building is in lock-down, and access to the building has been limited; or
 - The spot measurement was to be conducted during the government-mandated shutdown of non-essential business, starting 23 March 2020.
- Evidence that the engaged non-Assessor is familiar with the operation of the building (other Indoor Environment Professionals, such as those provided in the suitable non-Assessors list above, are preferred); and
- Evidence that the non-Assessor uses appropriate real-time monitoring and air sampling equipment which meets the minimum equipment specifications in accordance with the *Indoor Environment for Offices Rules* (v1.0) (Section 11.5, *Appendix E – Equipment Specification List*); and
- Confirmation that the non-Assessor is aware of the appropriate measurements to take in accordance with the Rules.

The Assessor must have enough compliant information to conduct the rating in accordance with the Rules.

If all of the conditions above cannot be met, a non-Assessor may not be engaged to undertake spot measurements for a site visit and information from a non-Assessor will not be considered for a NABERS Indoor Environment rating.

For further guidance on evidence and documentation requirements, see Section 8.5 of this Ruling.

For further guidance, please contact NABERS at nabers@environment.nsw.gov.au.

Note: NABERS strongly encourages the Assessor to provide the non-Assessor with the appropriate equipment if it is not readily available or accessible.

8.3 Method 7 – Selection of alternative floors for spot measurements other than those prescribed by the Rules



Prior written approval from the National Administrator is required prior to use of Section 8.3.

8.3.1 Prerequisites for use of Methods 8, 9 and 10

Prior to using the method outlined in Section 8.3.2, the following criteria must be satisfied:

- Prior approval to use the method(s) has been granted by NABERS;

- The premises has experienced low occupancy that is directly related to COVID-19.

8.3.2 Selection of compliant floors for spot measurements

For the period during which this Ruling is valid, NABERS will allow flexibility for Indoor Environment ratings to be lodged using alternative floors for spot measurements other than those prescribed by Section 3.6 of the *Indoor Environment for Offices Rules* (v1.0).

Assessors must demonstrate they meet the criteria in Section 8.2 of this Ruling. They must also provide the following:

- A proposed strategy outlining the following:
 - Why the Assessor or non-Assessor is unable to take spot measurements on the floors as prescribed by the Rules; and
 - Which floors they will be taking spot measurements from, why they have chosen these floors and in what order of priority they will be taken.
- Evidence confirming the HVAC setup, including floors which have been shut down due to a request of the tenant and/or building manager;
- Evidence confirming the occupancy profile across the site (i.e. whether occupants have been consolidated or unconsolidated onto specific floors).

The Assessor must take spot measurements from floors prescribed by the Rules where possible.

If all of the conditions above cannot be met, this Ruling cannot be used. If this is the case, the Assessor should contact NABERS for further information at nabers@environment.nsw.gov.au.

Note: Assessors will need to determine alternative floors in the same order of priority as per the *Indoor Environment for Offices Rules*, Section 3.6, *Selecting floors to sample*.

8.3.3 Selection of non-compliant floors for spot measurements

Situations may arise where a premises does not have enough floors that meet the two-thirds occupation requirement in order to conduct spot measurements. In such situations, Assessors must follow the following process to select floors:

- **Step 1:** Obtain a list of the spaces/floors in the building that are current being supplied normal HVAC services during the COVID-19 Affected Period (see Section 3.1).

Note: 'Normal HVAC services' is defined as the level of air conditioning supplied by the Base Building that was provided to the space/floor under normal operation (prior to COVID-19).

- **Step 2:** Calculate the Total Area by adding together the area of the floors that are receiving normal HVAC and exclude the area of any floor(s) that are:
 - Receiving less than normal HVAC; or
 - Not being provided with HVAC services.

- **Step 3:** Use the Total Area to establish the number of floors that are to be sampled. This means only floors with normal HVAC services will be selected for sampling.
- **Step 4:** Select the floors to be sampled in the following order:
 - First priority – Select floors that comply with the requirements in the *NABERS Indoor Environment for Offices Rules* (v1.0).
 - Second priority – Select floors that are more than two-thirds occupied and serviced with air conditioning.
 - Third priority – Select any floor which is serviced by air conditioning. Assessors should prioritise as per the requirements of the Rules.

If, after following the above recommended process, there are not enough floors to conduct a NABERS Indoor Environment rating, the Assessor should contact NABERS for further guidance at nabers@environment.nsw.gov.au.

For further guidance on evidence and documentation requirements, see Section 8.5 of this Ruling.

8.4 Annual temperature data during the COVID-19 period

8.4.1 General



Prior written approval from the National Administrator is required prior to use of Section 8.4.

Annual temperature data collected during the COVID-19 Affected Period (see Section 3.1) may be non-compliant with ASHRAE 55 (2013)¹ due to low occupancy associated with factors such as HVAC systems being unable to adjust due to lower occupancy or floors being shut down. This can have an impact on the rating results as annual temperature data make up 60 % of the thermal components of an Indoor Environment rating.

For the period during which this Ruling is valid, NABERS will allow Assessors to select alternative floors for annual temperature monitoring using the method outlined in Section 8.4.3 *Selection of alternative floors method*.

If, after following the process in Section 8.4.3, not enough floors have been selected to complete the rating, NABERS will allow Assessors to adjust data non-compliant with ASHRAE 55 during the COVID-19 Affected Period (see Section 3.1) using one of the following two methods:

- Section 8.4.4 *Zero the temperature data non-compliant with ASHRAE 55 method*
- Section 8.4.5 *Replacement with historical data method*

¹ This is standard 55 of the *American Society of Heating, Refrigerating and Air-Conditioning Engineers* (ASHRAE) entitled 'Thermal Environmental Conditions for Human Occupancy'.

Use of these methods is subject to the prerequisites outlined in Section 8.4.2.

Note 1: While annual monitoring data is not mandatory for an Indoor Environment rating, it is still recognised that star ratings will be impacted due to lower quality annual monitoring data.

Note 2: Where a rating does not meet the criteria in Section 8.4.2 or cannot follow the requirements in Section 8.4.3, Section 8.4.4 or Section 8.4.5, a rating using unaltered annual temperature data can still be submitted.

Note 3: Selection of floors for annual temperature monitoring does not need to match selection of floors for spot measurements.

8.4.2 Prerequisites for use of methods

Prior to use of the methods outlined in Sections 8.4.3 to 8.4.5, the following criteria must be satisfied:

- For use of all methods:
 - Prior approval to use the method(s) has been granted by NABERS;
 - The premises has experienced low occupancy that is directly related to COVID-19.
- For use of Section 8.4.5 *Replacement with historical data method*:
 - Less than 90 % of the samples collected over the rating period is compliant with ASHRAE 55;
 - The historical temperature data used to replace the non-compliant data is both—
 - no older than 24 months, and
 - the most recent corresponding time period.
 - The premises has not experienced substantial changes to the rating context since the historical data was recorded.

Note: Substantial changes to the rating context can include:

- Changes to HVAC system (including non-COVID-19 related shutdown);
- Increase or decrease in daily occupancy of monitoring floors;
- New tenants or vacancies.

8.4.3 Selection of alternative floors method

For the period during which this Ruling is valid, NABERS will allow the selection of alternative floor(s) for annual temperature monitoring. This methodology assumes BMS annual temperature data is available on floors other than those established in Section 3.6 of the *NABERS Indoor Environment for Offices Rules* (v1.0). If the premises does not have BMS annual temperature data for other floors, Method 9 or Method 10 can be used instead.

To select alternative floors, Assessors must follow the following process:

- **Step 1:** Obtain a list of the floors in the building and establish which floors have received normal HVAC services continuously throughout the COVID-19 Affected Period (see Section 3.1).

Note: 'Normal HVAC services' is defined as the level of air conditioning supplied by the Base Building that was provided to the space/floor under normal operation (prior to COVID-19).

- **Step 2:** Following the requirements of Section 3.6 of the *NABERS Indoor Environment for Offices Rules (v1.0)*, select floors that have received normal HVAC services continuously throughout the COVID-19 Affected Period.
- **Step 3:** Where a floor(s) has not received normal HVAC services continuously throughout the COVID-19 Affected Period but would normally be selected in accordance with Section 3.6 of the *NABERS Indoor Environment for Offices Rules (v1.0)*, Assessors can select the nearest floor that has normal HVAC services continuously throughout the COVID-19 Affected Period as an alternative.
- **Step 4:** Where there is no alternative floor(s) to select as per Step 3, Assessors must use the floor that would normally be selected in accordance with Section 3.6 of the *NABERS Indoor Environment for Offices Rules (v1.0)*. The data collected during the COVID-19 Affected Period for this floor must then be adjusted either through using:
 - *First priority: Zero the temperature data non-compliant with ASHRAE 55 method;* or
 - *Second priority: Replacement with historical data method.* Use of this method is contingent on meeting the prerequisites as defined in Section 8.4.2.

A flowchart of this process is described in Figure 5 below.



Figure 5: Selection of alternative floor methodology

8.4.4 Zero the temperature data non-compliant with ASHRAE 55 method



This method should be used only if Section 8.4.3 *Selection of alternative floors method* cannot be completed.

Assessors are permitted to zero the temperature data that is non-compliant with ASHRAE 55 provided the prerequisites in Section 8.4.2 and the documentation requirements in Section 8.4.6 can be met.

Note: The Annual Monitoring Spreadsheet requires all cells to contain a number: therefore data cannot be simply deleted.

To zero temperature data, Assessors must follow the following process:

- **Step 1:** Retain the current annual temperature data as a separate document ('the baseline').
- **Step 2:** Identify the date(s) within the COVID-19 Affected Period (see Section 3.1) where data is non-compliant with ASHRAE 55.
- **Step 3:** Replace the non-compliant data with a '0.0'.

8.4.5 Replacement with historical data method



This method should be used only if Section 8.4.3 *Selection of alternative floors method* cannot be completed and where the prerequisites as per Section 8.4.2 can be satisfied.

Replacement of temperature data that is non-compliant with ASHRAE 55 with historical data is permitted provided the prerequisites in Section 8.4.2 and documentation requirements in Section 8.4.6 can be met.

To replace temperature data with historical data, Assessors must follow the following process:

- **Step 1:** Retain the current annual temperature data as a separate document ('the baseline').
- **Step 2:** Identify the date(s) within the COVID-19 Affected Period (see Section 3.1) where data is non-compliant with ASHRAE 55.
- **Step 3:** Identify the corresponding data from the corresponding date in the historical data, and perform the following:
 - Retain a copy of the identified historical data;
 - Where the corresponding data does not match due to a weekend or public holiday, use historical data from either the day before or after.
- **Step 4:** Replace the current temperature data with the identified historical data.

Where the replacement historical data is also non-complaint with ASHRAE 55, the historical data must still be used.

8.4.6 Documentation

Assessors must retain and provide the following documentation:

- For use of all methods:
 - Evidence of approval from NABERS to use this method;
 - Evidence the premises experienced low occupancy as a direct result of COVID-19;
- For use of Zero the temperature data non-compliant with ASHRAE 55 method:
 - The unaltered annual temperature data (the baseline);
 - The altered annual temperature data, highlighting all data that has been zeroed.
- For use of Replacement with historical data method:
 - Evidence the historical temperature data used is no older than 24 months and from the most recent corresponding time period;
 - Evidence that less than 90 % of the samples collected over the rating period are compliant with ASHRAE 55;
 - Evidence the premises has not experienced substantial changes to the rating context since the historical data was recorded;
 - The unaltered annual temperature data (the baseline);
 - The historical data that was used to replace baseline data;
 - The altered annual temperature data, highlighting all data that has been replaced.

For further guidance on evidence and documentation requirements, see Section 8.5 of this Ruling.

8.5 Evidence and documentation requirements

Assessors must have the ability to demonstrate through evidence that they can meet the criteria of Sections 8.2, 8.3 and 8.4 of this Ruling. The evidence should eliminate any doubt in relation to the Assessor's eligibility to use the respective Ruling. A combination of evidence types may be given.

All evidence provided is subject to NABERS' approval.

For evidence and documentation requirements, see Section 5.3. The following must also be provided:

- Written correspondence between site management and tenants advising of reduced HVAC services;
- Spreadsheets containing necessary information (e.g. BMS data).

Assessors remain responsible for the accuracy of their ratings and must collect and retain all documentation as per the Rules, including any information gathered as part of this Ruling. This must be provided for Level 2 auditing, if required.

NABERS reserves the right to refuse requests on the grounds of inadequate or insufficient evidence.

If an Assessor is uncertain of the evidence type, they should contact NABERS for further information at nabers@environment.nsw.gov.au.

9 Ruling #5: Managing impacts of COVID-19 on NABERS Energy and Water for Shopping Centre ratings

9.1 Use of this Ruling

9.1.1 General

This Ruling is to be used for NABERS Energy and Water for Shopping Centres ratings.

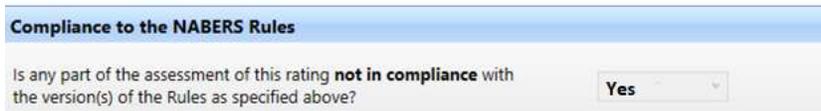
This Ruling is only valid until the Ruling Expiry Date (see Section 3.1) and is intended to provide additional flexibility around the Rules. NABERS will consider extending the validity of this Ruling, as well as the inclusion of additional provisions, as the situation progresses.

9.1.2 Entry into NABERS Rate

When submitting a rating using this Ruling, please select:

- “Yes” to the question under “*Compliance with the NABERS Rules*” and fill out the text box with the Ruling version number and date that approval to use the Ruling was granted by the NABERS team.

See Figure 6 below.



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?

Yes

Figure 6

9.1.3 Exemptions to requirements in this Ruling

NABERS is able to provide exemption(s) for any part of this Ruling on a case-by-case basis when requested prior to the submission of a rating application. Exemptions may be granted for situations where:

- The energy and water consumption or the HVAC service level of the premises has not significantly changed;
- Occupancy levels are normal;
- Only a small part of the rating period is within the COVID-19 Affected Period (see Section 3.1);
- An alternative methodology is proposed.

For further information, please contact NABERS at nabers@environment.nsw.gov.au.

9.2 Using previous food court seats counts



Prior written approval from the National Administrator to use Section 9.2 is not required.

Since late March 2020, shopping centre food courts have only been allowed to offer takeaway services as part of government-mandated restrictions to combat COVID-19. To facilitate this, shopping centre operators have removed food court seating. Naturally, these measures have made conducting a count of food court seats very difficult.

For the period during which this Ruling is valid, NABERS will allow Assessors to use a previous count of food court seats. The Assessor must provide the following documentation:

- Evidence the food court is offering takeaway services only, due to COVID-19 related restrictions; and
- Evidence that there have been no substantial changes to the food court since the previous count of food court seats, other than changes to food court capacity to meet social distancing requirements.

9.3 Servicing tenancies and tenancy vacancies due to COVID-19



Prior written approval from the National Administrator to use Section 9.3 is not required.

NABERS is supportive of the actions of premises owners and managers to reduce energy and water consumption while occupancy is at lower than expected levels due to COVID-19. As an overarching principle during these unusual times, NABERS believes that buildings should be run in the most energy efficient way possible, as long as it is safe to do.

It is recognised that many shopping centre operators have had to continue central or partial servicing of tenancies regardless of whether smaller retailers have shut down due to COVID-19. This is due to several factors including the layout of premises, limitations of building systems and difficulty in communication with tenants.

For the period during which this Ruling is valid, Section 3.7 of the Rules document *NABERS Energy and Water for Shopping Centres* (v3.0) is amended as follows:

3.7 Adjustment for vacancies

Assessors must identify each centrally serviced and partially serviced tenancy that has been vacant for any time during the Rating Period and enter this information in NABERS Rate. A tenancy is defined as vacant if it is not leased. Tenancies un-occupied during the COVID-19 Affected Period (see Section 3.1) are not deemed vacant if a current lease is

still in place and the building management expected the tenant to return once the COVID restrictions are relaxed.

This amendment recognises that where a tenancy is vacant because of COVID-19 and services to the tenancy are not provided, it is not considered 'vacant' as the tenancy was leased before the COVID-19 period and it is intended that the lease will continue in the post-COVID-19 period.

Assessors should retain evidence of tenancy schedules in accordance with the Rules.

10 Appendix A – Sample statement

Note: This letter should be in the Building Owner’s or Building Management company’s letterhead.

Building Owner Name
Example Pty Ltd
123 Example Street
Sydney, NSW 2000

Date

To whom it may concern

Example Pty Ltd has altered the level of service provided to certain tenants due to low occupancy as a result of COVID-19.

Level of service hours in the current leases

As per the lease agreements, Example Pty Ltd provides Base Building HVAC services to tenants between the hours of 7 am and 6 pm Monday to Friday for most floors.

HVAC services supplied to tenants during COVID-19 periods

During the period of 23 March 2020 to (end of the rating period), the Base Building HVAC service were, in general terms, supplied as follows:

- The building has continued to operate as normal, except for the number of occupants present in the building. Most tenants have implemented work from home practices. Therefore, staffing levels have been approximately 15 % during this time.
- Only two tenancies (Levels 3 and 8) have completed vacated during this time. We have reduced HVAC to these floors as much as possible.

Expectation of Tenants Returning

We understand that all tenants intend to return to the building once the threat of COVID-19 is reduced. We are not aware of any tenant surrendering their lease(s) during this time.

How the space is kept safe

We are in active communication with the tenant regarding the movement of staff within the building. The tenant has agreed to provide 24-hours’ notice if they wish to occupy a floor with no service or reduced service, and this is sufficient for us to ensure comfort conditions are met prior to occupancy.

Sincerely,

Building Owner Name
Facility Manager/Property Owner/Property Manager/Landlord

Contact us

**NABERS is administered by the NSW
Department of Planning, Industry and Environment**

4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

T (02) 9995 5000

E nabers@environment.nsw.gov.au

nabers.gov.au