



# NSW Energy and Water Starters Offer

## Conditions of Offer

Version 5.0 Updated 16 January 2023

### Background

With support from the NSW Government, NABERS is pleased to offer another round of this new opportunity designed to support buildings in NSW to measure and improve their environmental performance.

The offers available to buildings in NSW are:

Accelerating Net Zero Buildings Energy Starters program – to encourage new participation with NABERS ratings.

DPE NSW Water Starters program – to encourage new participation with NABERS water ratings and water efficiency engagement. Current funding round will be open for applications until 28 February 2023 (or the exhaustion of funding).

The second round offer is open from 18 July 2022 until 28 February 2023.

### Energy Starters Program

This program is designed to encourage new customers to begin measuring and managing their energy performance with NABERS and to create demand for energy management and Assessor services. The structure of the offer asks participants to commit to two consecutive NABERS Energy ratings, with an action plan for improvements between ratings. The program will provide eligible applicants with a total contribution of \$3,000 (excl GST) per building paid in year one, towards the total cost of the two energy ratings and Assessor report. Data centres will receive an additional \$1,000 with a total contribution of \$4,000 (excl GST).

### Water Starters Program

This program is designed to encourage new customers to begin measuring and managing their water performance with NABERS and to create demand for water management and Assessor services. The structure of the offer asks participants to commit to two consecutive NABERS Water ratings, with an action plan for improvements between ratings. Participants will be offered water efficiency materials and opportunities for capacity building during the program rollout.

The program will provide eligible applicants with a total contribution of \$1,000 per building paid in year one, towards the total cost of two water ratings and Assessor report.

These two offers are targeted at new NABERS participants.

Assessors are expected to provide a quote for a first and second rating (in a subsequent year) and tailored recommendations for energy and/or water efficiency improvements to each participating building with the first rating.

Applicants are encouraged to apply for the Energy Starters and Water Starters as a bundled single application, but may apply for either Energy Starters or Water Starters independently by notifying NABERS in their application.

### **Eligibility criteria:**

1. Preference will be given to NSW buildings that have never rated with NABERS before and/or have not had a certified NABERS energy rating since 30 June 2016
2. a building that falls within one of the following categories:
  - hotels
  - data centres
  - shopping centres
  - apartment buildings
  - residential aged care
  - retirement living
  - warehouse and cold stores
  - office buildings under 1000m<sup>2</sup> net lettable area (NLA)
  - office tenancy ratings under 1000m<sup>2</sup> NLA or
  - office co-assess ratings (must include base building and minimum 2 tenancies).

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

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

### **How to apply – Assessors**

Assessors are required to work with building owners to identify eligible buildings and collect the relevant building details.

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

- company of Assessor undertaking NABERS rating(s)
- assessor company ABN
- full name & company of the building owner(s) requesting the NABERS rating
- building address(es) and size types, including NLA, GLAR and number of apartments/hotel rooms (as applicable)

- date of expiry of last NABERS energy rating(s) (if applicable)\*
- itemised assessor fee(s) for each individual building (excl GST)
- customer consent for works occurring at their site; and
- if any of the buildings are only applying for Energy Starter or Water Starter funding.

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

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

The NABERS team will assess applications for eligibility. Successful applicants will be informed via email to both the Assessor company and the building owner and be provided with a purchase order (PO) for the Energy and/or Water Starter contribution total of up to \$4,000 (excl GST) or \$4,500 with regional booster.

NABERS will issue a PO to each Assessor company that submits a compliant application on or before the 28 February 2023 or until the funding is fully allocated.

Assessors may invoice NABERS to the full value of \$4,000 (excl GST)/ once the year one rating has been certified. This invoice will be paid on the understanding that the Assessor and the building owner have committed to carrying out a second energy and water rating the following year. Failure to do so may result in the customer and/or Assessor being ineligible for future offers.

There will be no limit on the number of applications per building owner or per Assessor company. Costs are eligible for invoice once the rating(s) have been certified by the NABERS administrator.

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

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

### **1. In these Terms and Conditions:**

#### **a. Definitions**

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

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

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

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

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

## 2. Application of these Terms and Conditions

- a. NABERS reserves the right to review and amend these Terms and Conditions at any time without notice. The replacement Terms and Conditions will take effect on being posted to the NABERS website ([link](#)).
- b. Applicants are responsible for checking the NABERS website for the most up to date Terms and Conditions, including information about the eligibility criteria, how to apply for an Offer and any key dates relating to the 'Energy Starters' program.
- c. **Changes to the 'Energy Starters' and 'Water Starters' programs**
- d. **NABERS reserves the right to change and vary the Offer at any time without notice. NABERS will endeavour to take into consideration, where appropriate, the impact on any outstanding applications before any action is taken.**
- e. Applicants are responsible for checking the NABERS website for the most up to date Offer.

## 3. Applicant obligations

- a. The Applicant must:
  - i. ensure that all information submitted in an application for an Offer is true and correct at the time of submission;
  - ii. promptly notify NABERS if there are any changes to the information submitted to NABERS;
  - iii. obtain the relevant consents and permissions from the building owner and/or operator prior to submitting the application to NABERS;
  - iv. notify the building owner(s) that it intends to submit an application for an Offer, and if the application is successful, the Applicant will pass on the savings under an Offer to the building owner and/or operator (as applicable).
- b. The Applicant is responsible for checking the NABERS website for the most up to date information relating to the eligibility criteria and any other information that is required to participate in the 'Energy Starters' program.
- c. The Applicant acknowledges that applying to NABERS will not guarantee an Offer.

## 4. Application process

- a. NABERS will review applications on a first come first served basis.
- b. Applications must be submitted before 28 February 2023 (or until the funding is fully exhausted) and any applications submitted after this date will not be accepted or reviewed by NABERS.
- c. An application for an Offer that meets the eligibility criteria and any other conditions

outlined in the NABERS website may or may not be accepted by NABERS, at its sole discretion. The NABERS decision is final and NABERS is not required to provide reasons to the Applicant.

- d. If the application is successful, NABERS will:
  - i. inform the Assessor and the building owner via email; and Contribute to the total rating cost (administration fees and assessor fees) that are applicable to the Applicant, invoiced by and paid to the Assessor company.
- e. Where an application for an Offer is successful, the Assessor must lodge the rating on or before 30 June 2023 or the Offer will be withdrawn.

## 5. Invoices and purchase orders

- a. Subject to a successful application, NABERS will issue a purchase order (PO) to the Assessor.

## 6. Collection and use of information

- a. Confidential information submitted with an application will be treated as confidential by NABERS unless otherwise required by law.
- b. All participants in the 'Energy Starters' and 'Water Starters' programs consent to NABERS using, storing and releasing their personal information for lawful purposes. Participants should note that NABERS may seek and share information about an application with other NSW Government departments for the purposes of assessing applications and maintaining the integrity of the 'Energy Starters' program but only on a need-to-know basis.
- c. NABERS will keep 'Energy Starters' and 'Water Starters' program applicants and participants informed about other opportunities and offers.
- d. Offer recipients will be published on the website in compliance with NSW's [Grants Administration Guide \(2022\)](#) and *Government Information (Public Access) Act 2009* (NSW) (GIPA Act).

## 7. Due diligence and audits

- a. NABERS reserves the right, at its discretion, to conduct such due diligence enquiries on Applicants as it sees fit during the 'Energy Starters' and 'Water Starters' programs to verify any information and ensure value for money and the integrity of the program. To be clear, information submitted with an application may be subject to investigation, reference checking, invoice comparison, searches, interview, enquiries, and confirmation.

- b. NABERS may audit an Assessor's tailored energy efficiency recommendations delivered to a building as required under the 'Energy Starters' and 'Water Starters' programs. Non-compliance may result in withdrawal of the offer.

#### **8. Release and indemnity**

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

#### **9. Liability and general**

- a. NABERS is not liable for any loss or damage, including personal injury, that may be sustained by the Applicant, including an Assessor, building owner and operator, while participating in the 'Energy Starters' and 'Water Starters' programs.
- b. NABERS expressly disclaims all liability, to the extent permitted by law, for any loss, damage or other consequence whatsoever whether direct or indirect, which may arise from the Applicant's participation in the 'Energy Starters' and 'Water Starters' programs.
- c. The Applicant must not assign or subcontract its rights and obligations under the Terms and Conditions or in relation to an Offer, without NABERS' prior written consent.
- d. No rights under these Terms and Conditions will be waived except by notice in writing signed by the waiving party.
- e. These Terms and Conditions are governed by the laws of the State of New South Wales.