

Frequently Asked Questions

Minimum star target ratings

The minimum star target rating for a NABERS Commitment Agreement is four (4) stars or more. For office base buildings, the minimum star target rating is five (5) stars.

If a Commitment Agreement is used to meet National Construction Code (NCC) Section J energy efficiency requirements, the minimum star target ratings that apply for relevant space types are as follows:

- Office base building: 5.5 stars.
- Apartment building: 4 stars.
- Hotel: 4 stars.
- Shopping centre: 4.5 stars.

Note: The NCC referenced in this section is the 2022 version.

NABERS Commitment Agreement Breaches

What is a 'breach'?

A breach is the promotion of a NABERS rating for a property without having a valid NABERS rating or NABERS Commitment Agreement in place.

As National Administrator of the NABERS scheme, the NSW Government owns all right, title and interest in the scheme's trademarks. These trademarks include the word 'NABERS' (trademark number 1106420) and versions of the NABERS logos (trademark numbers 1106418 and 1959846).

In the absence of a NABERS Commitment Agreement or NABERS rating, parties are not permitted to use the NABERS trademarks, or any other intellectual property owned by NABERS. By continuing promotion, this is considered as an infringement of Intellectual Property (IP) and may be subject to legal action by the National Administrator.

If I am breaching NABERS IP, what do I do?

Immediately remove references to future or potential NABERS ratings for the property from all promotional material. This may include, but is not limited to:

- The property itself
- Websites (official and third-party)
- Media releases and news articles (official and third-party)
- Commercial property listings
- Social media
- Other promotional material

Promotion of the building owner's intention to target or achieve a NABERS rating may only occur after a Commitment Agreement for the property has been signed and the appropriate fees paid.

Contract negotiation

Negotiating the terms and conditions of the contract

The National Administrator does not vary the terms and conditions of the Commitment Agreement contract. This is to ensure fairness and consistency across all government contracts. For practical purposes, legal input may lead to additional delays in the Commitment Agreement process.

If the applicant is unable to sign the contract within the provided standard execution blocks, please contact the National Administrator.

Updating the target rating

How do I update the target rating?

To update the target rating of the Commitment Agreement, the applicant must submit both the Estimate report and Independent Design Review report to the National Administrator. The reports must meet the updated target to justify changing the Commitment Agreement contract.

If both reports have been previously submitted and approved, the applicant must arrange for both the Estimate report and Independent Design Review report to be updated accordingly. The applicant must then submit these reports to the National Administrator with the request to update the target rating.

Updating the target rating will depend on the outcomes presented in the Independent Design Review report. The National Administrator will consider the development's:

- Risks and likelihood of achieving the updated target rating; and
- Modelling margin of the Estimation model.

Example: A development with a NABERS target rating of 5 stars upgrading to 5.5 stars. The Independent Design Review report indicates that it may achieve a 5.5 star target with a 5*% margin. The National Administrator may choose to not proceed with updating the target.

*Where 5% is an arbitrary figure and is for example purposes only.

The Independent Design Review report does not support the target rating

Following the submission of the Independent Design Review report, the National Administrator reserves the right to award or not award a Design Reviewed Target Rating.

If the Independent Design Review report does not support the target rating, the National Administrator may update the Commitment Agreement to the target rating outlined in the report.

If the target rating falls below the minimum star target rating, the National Administrator reserves the right to terminate the Commitment Agreement.

Contact us

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