



Data Centres Starters Offer

Conditions of Offer

Version 1.0 01 February 2024

Background

With support from the Commonwealth Government, NABERS is pleased to offer a new opportunity designed to support data centres in Australia to measure and improve their environmental performance.

The Data Centre Starters Offer is designed to encourage data centre building owners 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:

1. Commit to two consecutive NABERS Energy ratings, and
2. Develop an action plan for improvements between each rating.

The program will provide eligible applicants with a total contribution of \$8,000 (excl GST) per building paid in year one, towards the total cost of the two energy ratings and an action plan.

The first-round offer is open from 01 February 2024 until 30 April 2024 (or the exhaustion of funding).

The offer is targeted at data centre buildings that have not had a NABERS rating within the last five years prior to the offer round launch date.

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

Eligibility criteria:

1. The building must be located within Australia*.
2. The building must—
 - a) have never previously been NABERS Energy Rating for Data Centres certified, or
 - b) were last certified for a NABERS Energy Rating for Data Centres in February 2018.
3. The building must meet the eligibility criteria as defined in the latest version of the NABERS Energy Rating for Data Centre Rules at the time of rating lodgement

*As most current NABERS data centre ratings are for buildings located in NSW, buildings located in the states and territories other than NSW are strongly encouraged to apply.

How to apply – Building owners and operators:

To apply, building owners and operators should 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 with the following information:

- Your company name and ABN
- Company name of the building owner(s) requesting the NABERS rating.
- Address of the building to be rated.
- Scope of the NABERS Data Centre rating – Infrastructure, IT equipment or Whole Facility.
- Date of expiry of last NABERS Energy for Data Centre rating(s) (if applicable)*
- List of itemised assessor fee(s) for conducting the two ratings on the building (excl GST).
- Timeline for completion of the first rating, delivery of action plan and proposed timeline for second rating.
- Customer consent for works occurring at their site.

*If you are unable to find the expiration date of the most recent NABERS rating, please email NABERS at nabers@environment.nsw.gov.au.

Selection

Applications for the Data Centre Starters Offer are reviewed on a first come, first served basis.

NABERS will assess each application against the eligibility criteria. Successful applicants will be informed via email to both the Assessor company and the building owner. The Assessor will be provided with a purchase order (PO) that can be used to claim the contribution up to \$8,000 (excl GST).

Assessors may then invoice NABERS to the full value of \$8,000 (excl GST) once the first energy 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 rating the following year. Failure to do so may result in the customer and/or Assessor being ineligible for future offers.

NABERS may limit the number of applications per building owner or per Assessor company to ensure fairness. Costs are eligible for invoice once the first rating has been certified by the NABERS administrator.

Action plan requirements – Assessors

Between the first and second NABERS ratings of the building, Assessors must provide the building owner with an action plan to improve their NABERS rating.

To meet the requirements of the Data Centre Starters Offer, please provide a copy of the action plan by email to NABERS at nabers@environment.nsw.gov.au.

Interview requirements – Building owner

After the second NABERS rating of the building has been certified, NABERS may conduct an interview with an appropriate representative of the building owner to discuss their experience in getting their building rated, the action plan and future plans for improving their building's energy efficiency.

The interview will last no longer than 1 hour and information provided will be used for internal NABERS purposes only. Building owners may be contacted by NABERS to set up this interview within a month of the building's second certification.

New South Wales (NSW) Government Offer from NABERS: Terms and Conditions

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

3. Changes to the 'Data Centre Starters' programs

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

4. Applicant obligations

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

5. Application process

- a. NABERS will review applications on a first come first served basis.
- b. Applications must be submitted on or before 30 April 2024 (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 first rating on or before 30 June 2024 or the Offer will be withdrawn.

6. Invoices and purchase orders

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

7. Collection and use of information

- a. Confidential information submitted with an application will be treated as confidential by NABERS unless otherwise required by law.
- b. All participants in the 'Data Centre Starters' program consent to NABERS using, storing and releasing their personal information for lawful purposes. Participants should note that NABERS may seek and share information about an application with the New South Wales Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) and other NSW Government departments for the purposes of assessing applications and maintaining the integrity of the 'Data Centres Starters' program but only on a need-to-know basis.
- c. NABERS will keep 'Data Centres 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).

8. Due diligence and audits

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

9. Release and indemnity

- a. The Applicant declares and warrants to NABERS that they have read, understood and

fully accept these Terms and Conditions. The Applicant agrees to release and indemnify NABERS against all loss, damage or other consequence whatsoever whether direct or indirect, which may arise from the Applicant's participation in the 'Data Centre Starters' program.

- b. The release and indemnity contained in this clause survives the period of participation in the 'Data Centre Starters' program.

10. Liability and general

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