

## Terms of Reference for members of the Independent Design Review panel – February 2019

### DEFINITIONS

Agreement Date: the date designated as such by NABERS which will be the date NABERS/OEH counter sign the Commitment Agreement contract after a copy of the Commitment Agreement signed by the applicant AND the Commitment Agreement fee payment have been received.

Member: a member of the Independent Review panel.

OEH: the NSW Office of Environment and Heritage.

### BACKGROUND

NABERS Commitment Agreements allow buildings that do not yet have existing energy use data, such as new buildings or those going through major refurbishments, to participate in the NABERS scheme. Under the agreement, building owners commit a building to achieving a specific NABERS rating in operation.

The Commitment Agreement process includes a review of the building design by a member of the Independent Design Review panel. Members of the Independent Design Review panel are recognised experts in the energy efficient design and operation of buildings. They work under contract to Commitment Agreement clients to provide independent and impartial advice.

All Independent Design Reviews must:

1. Inform the designers and developers of a building as to the likely energy performance and performance risks associated with their proposed building design and model.

In addition, Independent Design Reviews may be required to:

2. Demonstrate to OEH that a building is an appropriate candidate for a Commitment Agreement.
3. Demonstrate to a third party (such as a client or regulatory authority) that the proposed building can realistically be expected to achieve a given rating.

An overview of the minimum scope and report requirements of an Independent Design Review is currently described in the *IDR minimum scope and report requirements* document (See attachment 2 of this EOI). A finalised version of this document will be incorporated to the *Handbook for Estimating NABERS ratings* in February 2019. The scope and content of each Independent Design Review completed as part of the NABERS Commitment Agreement process can go beyond this minimum requirement and are a matter for the Independent Design Review Panel member and their client to decide on.

Panel members are expected to develop and design reviews that are appropriate for their client and their proposed design. These reviews must clearly identify likely performance risks associated with the reviewed building. The risk assessment should include a clear and detailed description of each risk to enable the design team to propose appropriate responses, actions or changes to manage identified risks.

## **TERMS OF REFERENCE**

The terms of reference for the members of the Independent Design Review Panel are listed below:

1. Members are required to provide Independent Design Review services compliant with the minimum IDR scope and report requirements as described in the *Handbook for Estimating NABERS ratings* (version current at the Agreement Date) when conducting Independent Design Reviews for a NABERS Commitment Agreement. Note that an overview of the IDR scope and report requirements is given in Attachment 2 and will be incorporated in the *Handbook for estimating NABERS ratings* in February 2019.
2. Members are required to perform their reviews and provide recommendations aiming for best results and striving to attain the ultimate goal of improved energy efficiency in buildings.
3. An Independent Design Review must be independent. It cannot be performed by a panel member who has been involved in any way in the design of the building, or who has a conflict of interest in the outcome of the review.
4. The OEH is in no way responsible or linked to the contract between the Independent Design Reviewer and the Commitment Agreement Signatory requesting the design reviewer. The terms of the contract are to be agreed to with the Commitment Agreement Signatory.
5. Members must offer market competitive prices to customers.
6. Members are on the panel for a period of 3 years, extendable by OEH.
7. Members agree to have their name and contact details listed on the Independent Design Review panel members list available on NABERS website. Members must ensure their details on the list remain at all times correct and up to date and must immediately notify OEH of any changes to those details.
8. Members must maintain a current contract with NABERS as an accredited assessor, supervisor, auditor or trainer.
9. OEH may cancel the panel at any time.
10. OEH reserves the right to modify the Terms of Reference at any time. In this event Members will be contacted and must accept the updated Terms of Reference to maintain their panel membership
11. Members can request to be removed from the panel at any time. Their name and contact details will then be removed from the Independent Design Review panel members list available on NABERS website.
12. If at any time a panel Member is found to not be following these Terms of Reference, OEH reserves the right to revoke panel membership immediately.