



Australian Government



**COMMERCIAL
BUILDING DISCLOSURE**

A National Energy Efficiency Program

Adam Cullen

Director, Commercial Building Disclosure

Department of Climate Change and Energy Efficiency

Commercial Building Disclosure

Timeframes



24 June 2010

Building Energy Efficiency Disclosure Bill 2010
passed by Parliament



1 July 2010

Legislation commenced



1 Nov 2010

Disclosure obligations commenced with
transition period – only NABERS Energy
ratings to be disclosed



31 Oct 2011

Transition period ends

1 Nov 2011

Full BEECs to be disclosed



What buildings are disclosure affected?

- Commercial office buildings and spaces, where the net lettable area exceeds 2,000m²

When are buildings are disclosure affected?

- Disclosure is required at the point of **sale, lease and/or sublease**



How to comply - disclosure requirements

- Buildings for sale or lease until 31 October 2011
 - Must have a NABERS Energy for Offices rating
 - Must display NABERS Energy star rating in advertising
- From 1 November 2011
 - Must have a **Building Energy Efficiency Certificate**
 - Must display NABERS Energy star rating in advertising



Role of CBD assessors

- CBD Accredited Assessors will be able to:
 - undertake NABERS Energy ratings,
 - Tenancy Lighting Assessments, and
 - lodge applications for BEECs
- To become a CBD Assessor, a person has to be a NABERS Assessor who has completed CBD training
- Expect to have 150 CBD assessors accredited by end of September 2011
- Listed on the Register of Accredited Assessors



Building Energy Efficiency Certificate



- BEECs comprised of three parts:
 1. NABERS Energy rating (base building or whole building)
 2. tenancy lighting energy efficiency assessment
 3. general energy efficiency guidance for building owners and tenants
- BEECs not required until 1 November 2011.

BUILDING ENERGY EFFICIENCY CERTIFICATE*

BUILDING DETAILS

Building name	ACME Towers	Certificate no.	BEEC001
Owner's name	ACME Property Limited	Issue date	19/09/2011
Building address	100 Example Street Sydney NSW 2000	Current to	19/09/2012
		CBD assessor name	Super Steve
		CBD assessor number	CBDA000X
Net Lettable Area of the building	2,345.6 m ²		

PART 1 - NABERS ENERGY RATING

 This building has achieved 
NABERS ENERGY RATING
(excluding GreenPower)

Rating scope - Base building

PART 2 – TENANCY LIGHTING ENERGY EFFICIENCY ASSESSMENT

This certificate uses 1 lighting Assessment that was current for the building at the time of issuing this certificate. The lighting assessments are recorded as covering part of the building and relate to 2 functional spaces with existing lighting systems. There are not any proposed lighting systems contained in this certificate.

PART 3 – GENERAL GUIDANCE

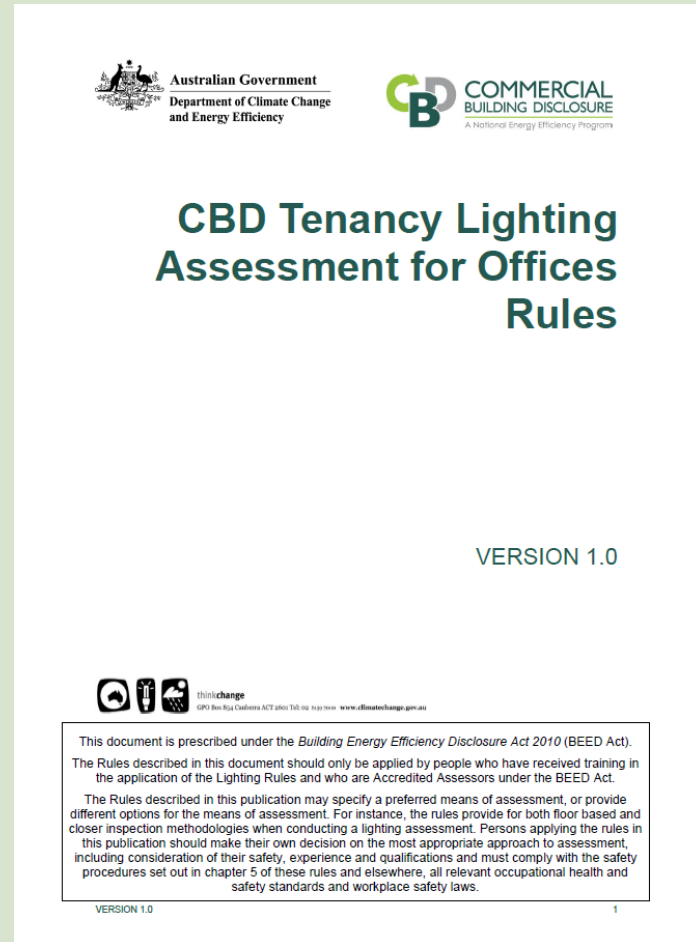
General guidance on how building energy efficiency might be improved are listed in part three of this certificate.

*Issued under the **Building Energy Efficiency Disclosure Act 2010** to disseminate information and encourage energy efficiency in large commercial office buildings in Australia.

www.cbd.gov.au Page 1 of 1

Tenancy lighting assessments

- Conducted by CBD Accredited Assessors
- Tenancy Lighting Assessment rules available on website
- Provides indicative information on tenancy lighting energy efficiency & lighting controls



Steps in conducting a lighting assessment

- Assessor is engaged by the building owner
- Assessor:
 - downloads the CBD Lighting Assessment form
 - conducts on-site lighting assessment
 - saves the completed form and validates the assessment
 - stores assessment evidence for audit purposes
 - submits the Assessment Form to DCCEE
- DCCEE issues a lighting assessment number when assessment has been approved
- Assessor includes lighting assessment number when applying for a BEEC



What is the energy efficiency guidance?

- Generic - not specific to any building
- Specified in the Secretary's Determination
- Suggests opportunities for owners and tenants:
 - Corporate energy policy / action plan
 - Improving skills of building management team
 - Improvements for HVAC, lighting, etc
 - Increasing staff awareness
 - Green Leases



Applying for a BEEC

- Only a CBD Accredited Assessor can apply for a BEEC
- There are currently 92 CBD Accredited Assessors
 - details of assessors are available on the CBD website
- Can use existing assessments:
 - if there is a NABERS ratings, assessor only has to complete a lighting assessment; or
 - building has an existing lighting assessment, then your assessor will only need to complete a new NABERS Energy



Transaction type	What do you have?			What do you need?
	NABERS rating*	Lighting assessment—all tenancies	Lighting assessment—part tenancies	
Sale or lease of a building	No	No	No	NABERS rating <u>plus</u> lighting assessment for all tenancies
	Yes	No	No	Lighting assessment for all tenancies
	No	-	Yes	NABERS rating <u>plus</u> 'top-up' lighting assessment for all tenancies
	Yes	-	Yes	'Top-up' lighting assessment for all tenancies
	No	Yes	-	NABERS rating
	Yes	Yes	-	Nothing—apply for a BEEC ✓
Lease of an area of a building	No	No	No	NABERS rating <u>plus</u> lighting assessment for the tenancy area being leased
	Yes	No	No	Lighting assessment—for the tenancy area being leased
	No	-	Yes	NABERS rating only (provided the lighting assessment covers the tenancy area being leased)
	Yes	-	Yes	Nothing—apply for a BEEC (provided the lighting assessment covers the tenancy area being leased) ✓
	No	Yes	-	NABERS rating
	Yes	Yes	-	Nothing—apply for a BEEC ✓

How do you use a BEEC?

- BEEC is required at the time of sale or lease
- All BEECs are published in the Building Energy Efficiency Register website
- Building owners/lessors can display the BEEC in their premises
- **Remember!** – you must include the NABERS Energy rating in all advertisements



What buildings aren't affected?

- There are some exceptions to the previous rule:
 - mixed use buildings with less than 75% office space (NLA);
 - new buildings (certificate of occupancy less than 2 years old);
 - Strata-titled buildings;
 - Transfer of titles through the sale of shares or units of interest;
 - Short term leases for a period of less than 12 months;
 - Option to renew and an extension of an existing lease.
- No action is required by you if your building falls into one of these categories.



When can you get an exemption?

- Exemptions are available for buildings which are unable to comply, such as:
 - Buildings used for Police and security operations;
 - Buildings for which it is not possible to assign an energy efficiency rating;
 - Following a major refurbishment;
 - Vacant.
- Must apply in writing (form available on website)
- Currently costs \$350 (GST free)



What is the same - refurbishments

- Major refurbishment would alter a base building rating by at least half a NABERS star, higher or lower.
- A major refurbishments that:
 - has been completed; and
 - has had a certificate of occupancy issued;
 - building will not be disclosure affected for two years.
- Considered an *exception – no action required*.



What has changed - refurbishments

- Where a building:
 - is currently undergoing a major refurbishment; or
 - where no certificate of occupancy has been issued following a major refurbishment
- building owners and lessees will need to apply for an *exemption* until they have sufficient energy data to produce a valid rating;
- Generally, this will be for 12 months after the building obtains 75 per cent occupancy;
- Exemption applications are available from CBD website



Enforcement

- Education, Compliance and Enforcement Policy
- Court can order payment of a civil penalty of up to \$110,000 for first day of non-disclosure
- Department can issue infringement notices
- Non-disclosure register – listing of people who commit two or more offences in 12 months
- Department monitors advertisements and transactions



How to get assistance

- Talk to a CBD Accredited Assessor
- Get quotes from different Assessors
- Consult the website www.cbd.gov.au
- You may need to discuss your obligations with your solicitor
- Contact us on 1800 020 131 or email info@cbd.gov.au



Who does what?



- NABERS administration
- NABERS training and accreditation
- Basic audits of NABERS assessments



Australian Government
**Department of Climate Change
and Energy Efficiency**

- Overall CBD administration
- Additional CBD training and accreditation
- Issuing BEECs and exemptions
- Compliance monitoring and enforcement



Australian Government



**COMMERCIAL
BUILDING DISCLOSURE**

A National Energy Efficiency Program

Further information

- www.cbd.gov.au
- info@cbd.gov.au



Disclaimer

This presentation is intended to provide a summary about the Commercial Building Disclosure Program. The Program may be subject to change without notice. Readers should not act on the basis of the information provided in this presentation but should instead obtain legal advice.

Readers wanting further information may refer to the Program's website.

While reasonable efforts have been made to ensure that the contents of this presentation are factually correct, the Commonwealth does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, this presentation.

