



When buildings go wrong

The legal implications for our industry

Roger Kluske

Associate Umow Lai

Director Sustainable Environment

Agenda

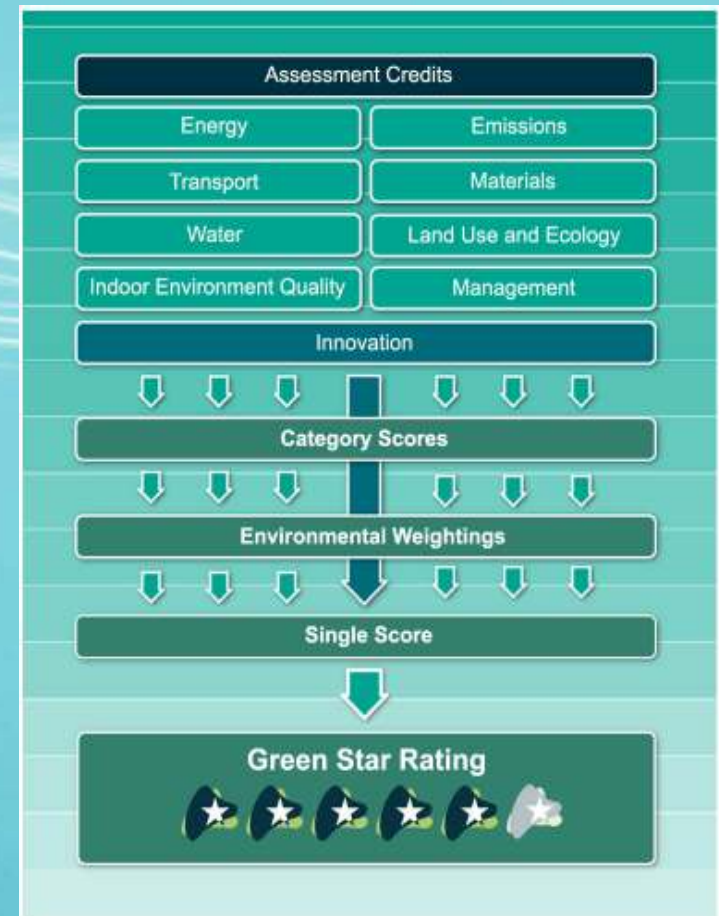


- Revise Green Star and NABERS
- The challenges with guaranteeing NABERS and Green Star results
- NABERS pre-commitment agreements
- Taking responsibility for other consultants.
- When buildings go wrong
- Way forward...

Green Star



- Green Star Rating System is designed to recognise and reward environmental leadership in buildings.
- A number of rating tools are available: Office Design / As Built, Office Interiors, Education, Health...with more under development.
- 45-59 credit points =
- 4 Stars (Best Practice)
- 60-74 credit points =
- 5 Stars (Australian Excellence)
- 75+ credit points =
- 6 Stars (World Leader)



When Buildings go wrong!



- Services Engineers will often act as gatekeeper for the Green Star process
- Are asked to assume responsibility for other Engineers and Architects; (for credits such as Steel, Carpets, PVC etc)
- ***As built*** Green Star ratings will introduce “build-ability” and value management.
- Change in scope / specification will effect services performance...
- Legal consequences for non-performance.

NABERS

National Australian Built Environment Rating Scheme



Provides accredited assessments of the greenhouse intensity of office buildings by awarding a star rating on a scale of one to five. A building with a high star rating will be more energy efficient and cheaper to run, and will result in lower greenhouse gas emissions



NABERS – basics

- NABERS is an environmental rating system for offices.
- Administered nationally by the NSW Department of Environment and Climate Change (DECC).
- Based on real data measurement
- Compare actual performance to peers
- Relevant, reliable and practical
- Credible reporting eg carbon disclosure



NABERS Commitment Agreements



- The NABERS Energy Commitment Agreement allows developers and building owners to promote and market excellent greenhouse performance of new and refurbished office buildings from the outset.
- The Commitment Agreement will state your commitment to design, build and commission the premises to a 4, 4.5 or 5 star level.

Commitment Agreements Process



- Client (building owner / developer) sign agreement.
- Pay the fee
 - new buildings or refurbishments : \$4,400
 - tenancy fitouts : \$2,200
- Independent design review (by Panel member)

See the NABERS website



When Buildings go wrong!



Scenario:

- Client agrees to NABERS energy rating...
- Tenant signs subject to base building achieving NABERS performance 12 months after P.C.
- But/...
 - Tenant installs a data centre, operates the tenancy 24/7, has a call centre...
- Result: NABERS energy rating isn't achieved!
- No fun for anyone!

When Buildings go wrong!



Scenario:

- Client agrees in a lease to gain a 6 star Green Star rating
- Team slowly disintegrates after design
- ESD consultant can't obtain all information required and
- Rating is not obtained...
- No fun for anyone!

Way forward/...



Green Star and NABERS

- Provide frank and fearless advice
- Ensure your client is aware of their responsibilities
- Ensure you & your team are aware of your responsibilities
- Ensure tenant and base building both take responsibility for environmental performance
- Be proactive
- Investigate alternatives (ie EPCs)



Thanks!