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My areas of responsibility for energy efficiency are:

Development of Policy and Guidelines for the following:

1. New residential design including the disclosure of performance by dwellings at point of sale;
2. Block design of Greenfield subdivisions; and
3. Research of rating schemes for commercial buildings.

My duties are to:

- Manage the ACT House Energy Rating Scheme (ACTHERS) which addresses both new residential design and the on-selling of existing dwellings. Relevant legislation is the *Territory Plan* and the *Energy Efficiency Ratings (Sale of Premises) Act 1997*.  
(Can discuss new developments which have arisen from the *Civil Law (Sale of Residential Property) Act 2003*.)
  - Monitor and follow-up on Solar Access of blocks in proposed new subdivisions. (Refer to the national residential code – Australian Model Code for Residential Development - AMCoRD, and parallel code for the ACT - ACTCode.)
  - Research of emerging energy efficiency schemes for Commercial Buildings. This is currently an area where many-groups are competing in the development of schemes that have a national flavour.
  - Develop both planning and operational policies.
  - Develop Guidelines covering the above items.
  - Develop and enhance the ACTPLA ACTHERS Website.  
<http://www.actpla.act.gov.au/qsd/acthers/index.htm>
  - Conduct Reviews (including legislative), quality control and audits arising from the above functions.
  - Liaise and provide advice to other areas of the ACT Government
  - Represent the ACT Government in various forums
  - Liaise continually with peak groups in the building design and construction industry (including my Accredited ACTHERS Assessors), government (ACT, other jurisdictions and Federal), the legal fraternity and real estate industry.
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**PLANNING AND LAND MANAGEMENT (PALM)**  
**ACT HOUSE ENERGY RATING SCHEME (ACTHERS)**

**PROCEDURES FOR ENERGY EFFICIENCY ASSESSMENTS**  
**UNDERTAKEN IN FIRSTRATE**

NB: ASSESS ALL RATINGS IN *FirstRate* NON-REGULATION MODE.

ALL *FirstRate* assessments undertaken in the Canberra Climate Zone will report ratings in half star increments as outlined as follows:

Canberra Climate Zone

Star value	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
Point score range	Less than or equal to -87	-86 to -71	-70 to -57	-56 to -46	-45 to -35	-34 to -26	-25 to -18	-17 to -11	-10 to -3	-2 to 4	Greater than or equal to 5

**There are three categories of assessments:**

- (1) ON-SELLING OF EXISTING RESIDENCES,
- (2) NEW DWELLINGS – DEVELOPMENT APPLICATION (DA) APPROVALS, AND
- (3) EXTENSIONS – ALSO REQUIRE DA APPROVALS.

**(1) ON-SELLING OF EXISTING DWELLINGS** – [Subject to *Energy Efficiency Ratings (Sale of Premises) Act 1997* - energy disclosure only with no mandatory minimum.]

**(i) Access**

**If access is available into ceilings and under floors**, then data relating to insulation **MUST** be collected. This case is covered by the BCA Exemption (a) below. (Requires use of a ladder).

**If access is not available to ceilings and floors, and has been restricted since construction**, (eg metal skillion roofs and concrete slab-on-ground), and the insulation can **NOT** be viewed, the BCA has stated that the following can be assumed:

Since 16 December 1992: (These 3 include the building fabric as well)

Roofs or ceilings R3.4  
 External walls R1.7  
 Floors R1.0

Since July 1997: (This is the insulation alone, without building fabric included)

Floors

- (a) concrete floor (can only include insulation information from building plan or Vendor-signed Checklist); **or**
- (b) timber floor with an R-rating of 1 including carpet;

Roofs or ceilings

- (a) R3 insulation material in the ceiling space; **or**
- (b) R2 insulation material (+ optional sarking R0.5) in exposed raked ceilings;

Walls (see Exemptions (b) below).

R1.5 insulation material in the external wall space

**NB:** Ceiling and underfloor provisions (below in (a)) exempt most buildings. (ie. Access is in the majority, generally available).

**Exemptions** – The requirements of this Part of the BCA do not apply to the following types of construction:

- (a) a ceiling or underfloor space where unrestricted access for the installation of insulation will be available after the completion of construction; and
- (b) cavity brick, earth wall construction, ashlar stone or other masonry walls which have a thickness (excluding any cavity) of not less than 180 mm.

## (ii) Responsibility for collection of data about the residence.

If **YOU** are collecting the data from an onsite visit, you will need to inspect inside the ceiling to identify the actual insulation values used in the walls and ceiling. This means taking your ladder with you. When your signature appears on the Sale of Residence Checklist, you are responsible for the integrity of the data collected, and therefore vulnerable to civil litigation if any from clients and other affected parties (eg subsequent purchasers).

## (iii) How many reports, and their contents.

- Do not return any plans to the Building File.
- In this case of existing dwellings, under the *Energy Efficiency Ratings (Sale of Premises) Act 1997* (EERSOP Act), there will be two reports produced.
- Exclude the orientation page, but print all other pages of report, including 'Detailed House Data' tables.
- The optimise function must be included.
- Produce the two rating reports and stamp, sign and date the front page of each.
- If **YOU** are collecting the data about the residence, you have found structures which do not appear on the plans, **AND** those structures have an impact on your rating, then attach an A4 sheet to each report showing dot points relating to the relevant items. Stamp, sign and date these A4 pages also.
- One Rating Report is handed to the client along with their plans (except those copies you may have independently made to retain on your personal files).
- The other Report (including your A4 sheets where appropriate) and the signed and dated Sale of Residence Checklist (produced by either you or the vendor) is returned to the Building File within 14 days.

## (iv) Steps to Follow:

When approached to undertake an ACTHERS rating under the *Energy Ratings Sale of Premises Act 1997* (EERSOP Act), the following procedures apply.

1. If you carry out all aspects of assessment from the initial stage of gathering data on-site through to the production of the associated *FirstRate* Rating Report, you will be held responsible for the integrity of the data collected by you and for the quality of the assessment produced.

In this case, you need to do the following:

- (a) For all residences (either single detached dwellings or units) obtain a copy of the latest approved building plans either from the building file or the vendor if s/he has them.

- (i) If structures exist which do not appear on the plan, (including both unapproved and those which do not require approval) make a dot point

list on an A4 page of only those items which impact on your energy assessment. You will need two copies, which are to be stamped, signed and dated, and then attached individually to the two rating reports to make two complete assessments (one for the client, and one for the Building File). Your responsibility is to rate the dwelling as it stands on the ground at the time of rating. The rating informs the purchaser about the energy efficiency of the physical asset they are about to buy.

- (ii) If plans do not exist on the building file, then you will need to create working documents to assist you in assessing the property. These can be a reasonable interpretation of the building (this is not a drafting exercise). It does not need to be to scale, but the noted dimensions must be accurate. These should be held on your own files for reference perhaps during audits.
  - (iii) If the existing plan is in very poor condition, then you will need to carry out as for (ii) above.
  - (iv) If there is no plan for a specific property, because it is an ex-government residence, carry out as for (ii) above. If you wish to obtain an A4 template of the plan, BEPCON can assist with this.
- (b) Complete the PALM 'Sale of Residence Checklist' by physically inspecting the property site;
  - (c) Sign and date 'Sale of Residence Checklist';
  - (d) Sign and date the attached A4 lists, as explained in (a);
  - (e) The optimise function must be included. This shows feasible options for improvements to the energy efficiency of the dwelling. (Please ensure that the suggestions you include on the report are feasible ones, from economic and common-sense points of view.)
  - (f) On completion of the rating, the two assessment reports must be stamped on the front page displaying the number of points as well as the star rating (as per *FirstRate* assessor stamp).
  - (g) Provide one of the two reports including 'optimise' information, and any A4 sheets where applicable, along with their plans, to the vendor.
  - (h) Provide:
    - (i) the second report,
    - (ii) any stamped and signed A4 sheets, where applicable, and
    - (iii) the signed checklist, endorsed appropriately

to the ACT Building Controller within 14 days of the report being provided to the vendor.
2. If you are requested to carry out the assessment from information already supplied by the vendor, you need to insist that they have taken responsibility for collecting the data by way of a signed and dated Sale of Residence Checklist, noted any anomalies as per 1(a) above, and that they have signed for all aspects set out in (a) to (d) above. After they pass this documentation to you, you will then be in a position to carry out (e) to (h).

It should be noted that in this case where the vendor signs for the information provided to you, then they are responsible for the integrity of that data. To alter any of this signed information could lead to legal ramifications.

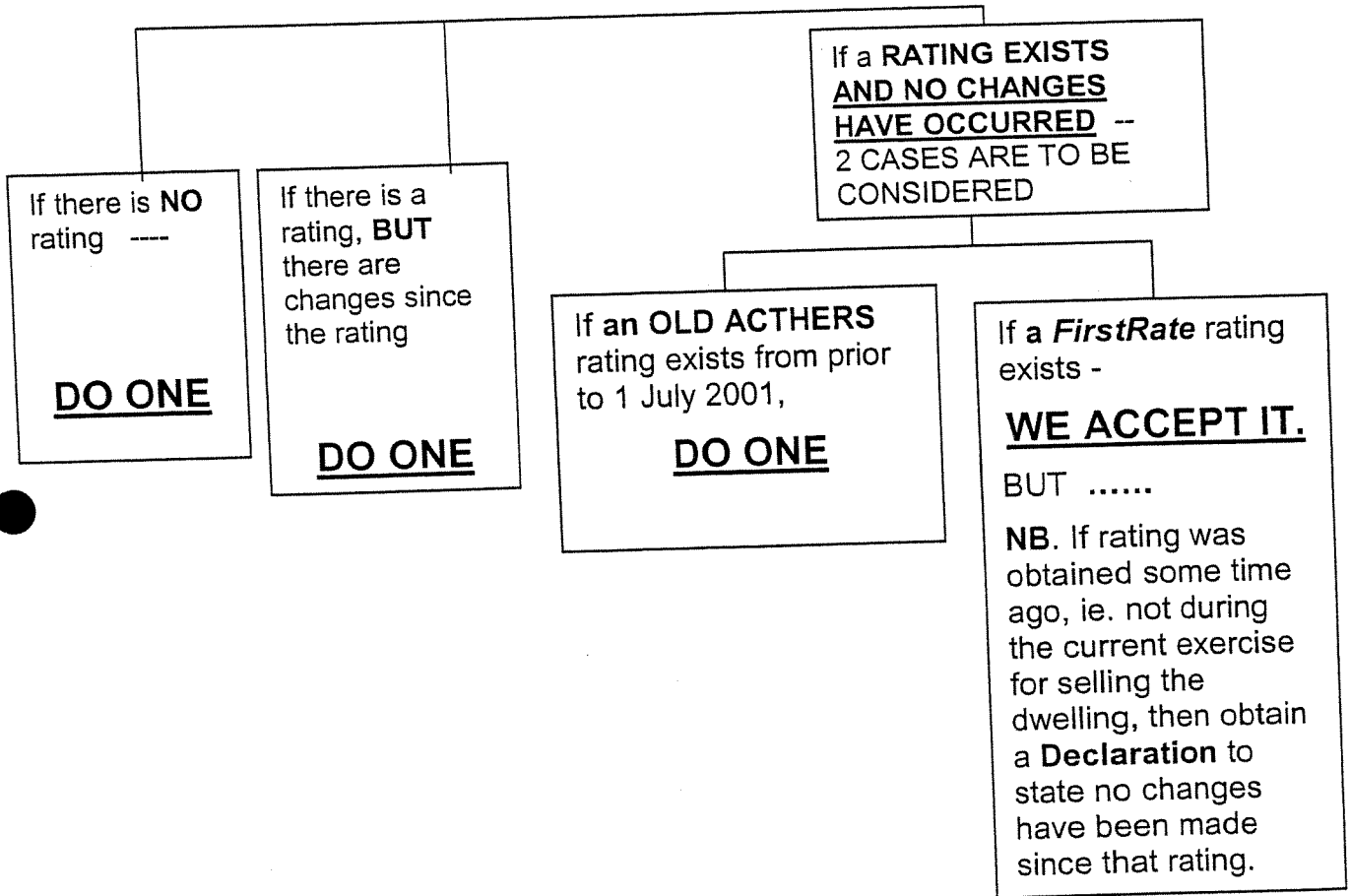
In this scenario 2, you will be held responsible in an audit context only for the quality of the assessment undertaken, but not for the data supplied.

**(v) Variations which may occur with Existing Dwellings:**

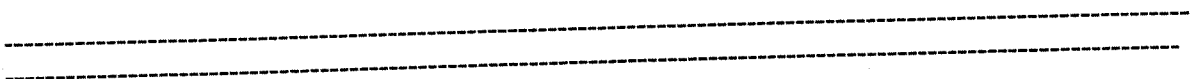
**(a) - (Table of Variations)**

ASE	WHEN THE FOLLOWING OCCURS:	WHAT YOU NEED TO DO:
1.	A residence does not have a rating and is to be sold.	<ul style="list-style-type: none"> <li>• A rating must be undertaken.</li> </ul>
2.	<p>A residence has an existing <i>FirstRate</i> rating undertaken for <b>either</b> the mandatory 4-star minimum, <b>or</b> for disclosure under the EERSOP Act.</p> <p>The existing rating can be anything from 0 to 5 stars.</p>	<ul style="list-style-type: none"> <li>• Two cases apply.                             <ol style="list-style-type: none"> <li>(1) If a Declaration <i>has not been signed</i>, and will not be signed, then <b>a new rating must be done</b> <ol style="list-style-type: none"> <li>(a) Data must be collected once more, provided by either the current Vendor (on a new checklist and updated plans), or by site visit by you.</li> <li>(b) Refer to your "Steps to Follow" in your procedures, and follow the instructions</li> <li>(c) Lodge the new <i>FirstRate</i> Rating with the Building Controller within 14 days.</li> </ol> </li> <li>(2) If the Declaration Form (available on the web) <i>has been signed</i> by the current Vendor (not the previous owner) to state that no changes have been made to the building or fitout, then the existing rating is valid, and <b>you need do nothing</b>.</li> </ol> </li> </ul> <p><i>The Declaration requires the current Vendor to state that <b>NO</b> alterations and additions and no changes to items listed therein have been made to the existing dwelling since the last Energy Rating was undertaken.</i></p> <p><i>A copy of this Declaration Form has been sent to all assessors. It has also been forwarded to the REIACT for circulation to their members. This is the official form to be used to address this issue!</i></p>
3.	<p>A residence has an existing, old ACTHERS rating from prior to 1 July 2001.</p> <p>This could be for <b>either</b> a mandatory 4-star minimum <b>or</b> for disclosure under the EERSOP Act.</p> <p>The existing old rating can be anything from 0 to 5 stars.</p>	A new rating must be undertaken.

(b) - (Graphic Representation of Variations under EERSOP)



(Rules for Development Applications – new residences and extensions – are not included here)



## (2) NEW DWELLINGS – [Development Application (DA) Approvals],

[Acquiring a mandatory minimum of an ACTHERS 4-star rating in order to achieve DA approval for new dwellings (houses or units) design and plan.]

### (i) Content of Reports.

Exclude (1) the orientation page and (2) the optimise page, but print all others, including 'Detailed House Data' tables.

### (ii) Copies required.

The DA area of PALM's Development Management Branch requires, for a residential DA, that you submit:

- Five (5) copies of plans for a unit development DA, or
- Four (4) copies of plans for a single detached dwelling DA.

### (iii) Process.

Submit DA to appropriate section of PALM.

The energy rating is to be carried out by a current authorised ACTHERS *FirstRate* accredited assessor, indicating four-stars or greater (unless this is an exceptionally rare case where special conditions apply). The report will be checked by PALM design and siting officers to determine compliance with the minimum rating requirement or, in the event of non-compliance, whether special conditions apply.

Steps to follow:

- On the imprints of the *FirstRate* energy rating stamp, indicate the number of points as well as the star-rating achieved by the DA (eg 4.5 stars and -1point, or 4½ stars and -1pt);
- Stamp and sign the front page of the *FirstRate* report; where a space can be found to do so;
- Stamp and sign each page of the set of plans;
- Make one full original set, which has its own *FirstRate* report attached;
- Include comments on the report where any special conditions or considerations may apply, and where the Assessor feels that clarification is required for any part of the assessment; and
- Take photocopies of the set to produce the number of copies as required by PALM.

(Refer to table on next page. Two issues are discussed.)

(iv) Variations which may arise – DA Approvals:

CASE	WHEN THE FOLLOWING OCCURS:	WHAT YOU NEED TO DO:
1	An amendment is required to your Development Application for a new residence which was assessed prior to 1 July 2001 for a mandatory 4-star minimum under the <u>old ACTHERS</u> software.	<ul style="list-style-type: none"> <li>● Re-rate the residence with the required alterations in <i>FirstRate</i>.</li> <li>● The rating must not fall below the old ACTHERS Software 4-star minimum rating, which is now equivalent to (-17) points in <i>FirstRate</i>.</li> </ul>
2	An amendment is required to your Development Application which was assessed after 30 June 2001 under the new <u>FirstRate</u> software.	<ul style="list-style-type: none"> <li>● Re-rate the residence with the required alterations in <i>FirstRate</i>.</li> <li>● The rating must not fall below 4-star minimum rating in <i>FirstRate</i>(-10 points).</li> </ul>

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**(3) EXTENSIONS -**

Same number of copies as for New Dwellings. [This is complex and needs to be read carefully.] **There are four cases:**

CASE	WHEN THE FOLLOWING OCCURS:	WHAT YOU NEED TO DO:
1	Extensions and alterations are to be approved for a home which has an existing rating assessed for a mandatory minimum 4-stars under the <u>old ACTHERS</u> software. (Covers houses built after 1 July 1995).	<ul style="list-style-type: none"> <li>● Re-rate the residence with the required alterations in <i>FirstRate</i>.</li> <li>● The rating must not fall below the old ACTHERS Software 4 star minimum rating, <b>which is now equivalent to (-17) points in <i>FirstRate</i>.</b></li> <li>● Re-rate with inclusions (carpet, curtains etc) as required under Non-Regulation mode.</li> </ul>
2	Extensions and alterations are to be approved for a home which has an existing rating assessed for a mandatory minimum 4-stars under <u><i>FirstRate</i></u> .	<ul style="list-style-type: none"> <li>● Re-rate the residence with the required alterations in <i>FirstRate</i>.</li> <li>● The rating <b>must not fall below</b> 4-star minimum rating in <b><i>FirstRate</i> (-10 points).</b></li> <li>● Re-rate with inclusions (carpet, curtains etc) as required under Non-Regulation mode.</li> </ul>
3	Extensions and alterations are to be approved for a residence which has an existing EERSOP Act rating under either old ACTHERS software or <i>FirstRate</i> — ie. it is <b>NOT</b> a mandatory minimum 4-star type.  The existing old rating can be anything from 0 to 5 stars.	<ul style="list-style-type: none"> <li>● <b>You do nothing as a rating is not required.</b></li> <li>● Because the existing rating was undertaken for disclosure only under the <i>EERSOP Act</i>, and not for Development Application purposes under the <i>Land Act</i> for mandatory minimum 4-stars, the owners cannot be requested to undertake a further rating at this stage. The relevant Legislation does NOT dictate under this situation.</li> <li>● The extensions will be built in accordance with BCA minimum standards. <b>(Refer to 'On-selling of Existing Dwellings (ii)' above, for BCA Standards).</b></li> <li>● Under these circumstances, at the time that the residence is on-sold in the future, a Declaration Form can <b>NOT</b> be legitimately completed, as obviously there have been alterations made. It is at this time that a new rating will need to be undertaken to reflect the actual energy efficiency of the residence.  <i>(The Declaration requires the Vendor to state that NO alterations and additions and no changes as listed therein have been made to the existing dwelling since the last FirstRate rating was undertaken.)</i></li> </ul>
4	Extensions and alterations are to be approved for a residence which does <b>NOT</b> have an existing rating at all.	<ul style="list-style-type: none"> <li>● <b>You do nothing as a rating is not required.</b> Neither piece of Legislation addresses this situation.</li> <li>● The extensions will be built in accordance with BCA minimum standards. <b>(Refer to 'On-selling of Existing Dwellings (ii)' above for BCA Standards)</b></li> </ul> <p>At the time that the residence is on-sold in the future, a rating will need to be undertaken to reflect the actual energy efficiency of the residence.</p>

**END OF PROCEDURES**