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20th February, 2008

Department of the Environment, Water, Heritage and the Arts
GPO Box 787
Canberra ACT 2601
Email: jayan.parry@environment.gov.au

ATTENTION: Jayan Parry

Dear Sir,

**RE: MANDATORY DISCLOSURE /
COMMENTS ON PROPOSED LEGISLATION**

I attended the seminar held in Sydney on 19.02.09 and comment on the proposed legislation.

I have serious considerations regarding the proposed legislation for tenancies.

Identical tenancies in terms of their:

- Floor area;
- Hours of occupancy;
- Number of occupants;
- Number of computers;

can have a different star rating because of the way each tenant manages energy usage and/or additional /modified lighting installed by the tenant.

In many cases, leases require that tenant installed lighting has to be removed at the expiration of the lease, therefore what was rated is not relevant for the new lease.

Thus two identical tenancies have a different star rating but would have identical star ratings when leased by a new tenant.



green building council australia
MEMBER

The proposed legislation is faulty in that the tenant behaviour, which is realistically not controllable by the landlord, affects the star rating which the landlord has to disclose.

Similarly, a tenancy with a large computer room will have a much worse star rating than one without.

Using the NABERS Energy Rating for tenancies will have a **worse** outcome than doing nothing.

A better method is to simply determine the total power/m² of the landlord installed lighting and benchmark this figure.

I would be happy to discuss my concerns in more detail at your convenience.

I have 37 years experience as a building services consulting engineer and am a NABERS Energy Assessor, a Greenstar Professional and a Greenstar Assessor.

Two final points:

- I commend you for using NABERS Energy methodology for the base building rather than introducing a new mechanism.
- In the presentation the term NABERS Energy Auditor was used when I think you meant NABERS Energy Assessor. There is a big difference between the two.

Yours faithfully,
GEORGE FLOTH PTY. LTD.

Adrian Carrick

ADRIAN CARRICK
DIRECTOR