

Worksheet 3.3A

Building rules and regulations – sustainability clauses

Use of these inserts

The following example clauses are suitable for using in:

- standard building rules and regulations (or similar) within lease agreements
- induction or operation manuals or other similar information about the base building provided to tenants.

Legal advice should be sought if these clauses are inserted into tenders, contracts or leases.

These clauses may need to be adapted to reflect:

- the scope of sustainable property initiatives available in the building
- the property owner's negotiations with tenants about specific sustainable property outcomes.

Make sure any information provided to tenants by service providers such as managing agents or centre managers (such as Tenant Manuals or similar) contains the same wording or conveys the same meaning.

These clauses do not negate, replicate or replace any other standard clauses and should be read in conjunction with the standard clauses. Care should be taken to ensure there is no conflict or confusion between these clauses and existing standard or non-standard clauses in lease agreements (e.g. in regard to cleaning, lighting, air conditioning or waste removal etc.).

Clause 1 'Sustainable fitout' should be reviewed periodically to ensure it captures all practical requirements and supports both the owner's and tenant's sustainable property management objectives.

Encourage tenants to liaise with you if they wish to discuss an environmental initiative relating to their tenancy or the base building's sustainability performance.

Some owners are requiring tenants to achieve minimum NABERS and Green Star ratings for their tenancies, particularly where the building needs to maintain its own base building environmental rating. The extent to which owners will want or need to require tenants to meet minimum standards will depend on factors including the owner's commitment to environmental performance, the leasing market and the need for the tenant to operate in such a way that their tenancy does not reduce the base building rating.

This is an example only – adapt this worksheet to suit your organisation's requirements.

Sustainability

The property owner is committed to managing this property to achieve a high level of sustainability performance. In particular, the:

- efficient use of energy and water
- minimisation of greenhouse gases
- diversion of waste from landfill
- provision of safe and healthy workplaces.

Tenant's commitments

The tenant ensures all practical measures will be taken to occupy the premises in a manner that supports the property owner's sustainability commitments. Notwithstanding any other rule or regulation stated in this [lease agreement/tenant manual], the tenant [will/is encouraged to] take steps to facilitate the following:

1 Sustainable fitout

The tenant will integrate sustainable design and construction goals into fitouts such that energy is used more efficiently, water efficient equipment and appliances are used, toxic or harmful materials are avoided, indoor air quality is maintained at a high level, and fitout waste is diverted from landfill through waste avoidance and minimisation, reuse and recycling initiatives.

The property owner can provide the tenant with a sustainable fitout guide to help in identifying design and construction measures that will create more sustainable and productive workplaces.

The tenant will obtain an environmental rating in accordance with NABERS Energy and the Green Building Council of Australia's Green Star Office Interiors rating schemes. (Required star rating to be included.)

2 Lighting control

The tenant will ensure staff are aware of energy efficient lighting controls, where provided, and observe the need to switch lights off as early as practical in the evenings.

The property owner is willing to discuss potential measures to enable the Building Management and Control System, where possible, to facilitate efficient energy use within tenant-occupied spaces.

3 Waste and recycling

The tenant is encouraged to adopt waste avoidance and minimisation practices and to use the multi-stream waste and recycling collection system where provided by the property owner.

The property owner is willing to investigate potential changes to the building's cleaning and waste removal activities in order to support the tenant implementing a multi-stream waste and recycling system. Such a waste system could include separation of organics (e.g. food waste), plastic, glass and metal containers from paper and cardboard and from residual waste (to landfill). If the tenant wishes to investigate the viability of on-site organic recycling, such as a worm farm, the property owner is willing to discuss the contribution it could make to such an initiative. The owner is also willing to investigate installing a system where the different waste streams can be weighed at an off-site location. (Major tenants may require their waste to be weighed.)

Include instructions on recycling including:

- what can be recycled
- where the recycling storage areas are
- schedules for waste and recycling removal, e.g. cyclical dates on which certain materials, such as e-waste, can be recycled.

4 Energy and greenhouse gas minimisation

The tenant will ensure that it designs, constructs and occupies its premises in such a way that avoids:

- the inefficient use of energy through unapproved manipulation of the property owner's heating, ventilation and air conditioning controls and lighting
- opening windows in extreme weather conditions
- propping open external doors
- overusing lifts where stairs provide a viable alternative
- unnecessary use of lighting
- non-use or misuse of internal blinds or sun control devices provided by the property owner.

Where supplementary air conditioning is required, the tenant is encouraged to select energy efficient equipment.

Computer equipment with active energy efficiency modes is highly recommended. Staff should be trained to turn off computers and other equipment when not in use.

Only energy efficient kitchen water heaters are allowed, with thermostats set to avoid scalding and timers to restrict operations to business hours.

The tenant is encouraged to consider assessing its energy use against the NABERS Energy scheme with a view to achieving a high greenhouse star rating.

5 Water conservation

The tenant is to advise property management immediately of the need to repair or adjust leaking taps, toilet cisterns or urinals provided by the property owner and to similarly promptly attend to leaks in taps or water using equipment provided by the tenant.

Where provided and maintained by the tenant, landscaped areas and planter boxes are to use drought-tolerant species and avoid over-watering by manual or automatic irrigation

systems. Taps, shower fittings and dishwashers with minimum 4 star WELS rating are only to be used.

6 Indoor air and environment quality

The tenant, or any employee, agent, contractor or subcontractor of the tenant, shall not undertake any activity that is likely to or has the potential to adversely affect indoor air quality and environment quality (e.g. noise) either within the premises or elsewhere in the property.

The tenant is to seek written approval from the property owner or the property owner's agent should such activity be likely or unavoidable before any such work is undertaken. Such work should be scheduled for weekends only.

7 Occupant safety

The tenant is to immediately advise the property owner, or the property owner's agent, of any potential risk to occupant safety either within the premises or elsewhere on the property, and is to take steps as necessary to ensure staff, visitors or contractors are aware of the risk or hazard.

8 Transport

The tenant is encouraged to promote the use of public transport to staff and regular visitors. The property owner has provided [secure bicycle storage facilities in the basement / and / common showers for bicycle users] to facilitate bicycle commuting by building occupants. The property owner is willing to discuss further measures that the tenant may wish to take to promote bicycle and public transport alternatives.

Provide local public transport information, maps and timetables, and details or links on alternative methods of transport to the workplace, such as carpooling.

9 Compliance

The tenant is to comply with all applicable environmental and health and safety regulations and requirements of Local, State and Commonwealth Government origin.

Property owner's commitments

10 Sustainability commitment

The property owner will operate and manage the base building to achieve a [insert desired outcome e.g. 4.5-star NABERS Energy/3.5-star NABERS Water /4-star Green Star etc.] rating as determined and formally verified by the relevant industry bodies.

11 Monitor and report sustainability performance

The property owner will ensure the base building sustainability commitment made in [clause 10] will be monitored and performance disclosed regularly. This commitment will be independently verified.

12 Capped energy and greenhouse

The property owner will offer the tenant a capped energy or greenhouse emissions consumption commitment over a fixed period of time, with tenant costs incurred over the agreed cap to be refunded by the property owner.

13 Tenant and property owner's joint commitments

To establish an Environmental Management Committee comprising representatives of the property owner and tenants. The purpose of the committee is to:

- Monitor and improve the environmental performance of the building in accordance with criteria and rating targets
- Monitor and improve the tenants' operations within the building
- Enable the property owner and tenants to optimise their combined environmental performance, and the building's environmental performance, through collaboration
- Initiate improvement in environmental performance as standards change
- Review upgrades and improvements planned, faults, occupational health and safety and other requirements
- Provide guidance to the property owners with regard to environmental improvements.

Environmental performance criteria includes, but should not be limited to:

- energy efficiency
- water efficiency
- waste efficiency
- indoor environmental quality
- transport
- emissions
- management systems
- materials
- building efficiency for future improvements in the environmental performance of the building and tenancy.

For additional information see:

- NABERS, www.nabers.com.au
- Green Building Council of Australia Green Star rating tools, www.gbca.org.au/green-star/rating-tools/
- Energy Efficiency in Government Operations (EEGO) www.environment.gov.au/settlements/government/eego/index.html