

NSW Department of Planning, Industry and Environment  
320 Pitt Street  
SYDNEY NSW 2000

A/O: Stephen Procter – Strategic Delivery Manager

Friday, 23 August 2019

RE: Energy Savings Scheme Consultation Paper on 2018-2019 Rule Change

Dear Stephen,

With reference to the subject consultation paper, please consider our responses as follows.

**Question 9: Do you agree with the proposed changes to Clause 7A.1? Please provide reasoning supporting your response.**

No. The Rule must stipulate exactly how the Scheme Administrator may be satisfied and provide a clear framework within which an ACP can operate and calculate risks. Gaps or ambiguity in the Rule's stipulations must not be filled by writing further discretion into the Rule in favour of the Scheme Administrator as we have – in some instances – observed divergence in what is written in the Rule and what is required by the administrator. A real problem creating undue risk. ACP's must be able to satisfy the Scheme Administrator by doing what the Rule requires, not by doing what the Rule requires AND satisfying whatever the Administrator's desire of the day might be. The Scheme Administrator has read requirements into the 7A clauses which ACP's cannot extract at face value. The proposed change – i.e. 'to the satisfaction of the Scheme Administrator' – when the clauses in the Rule cannot be assessed at face value, is not an acceptable proposition. The Scheme Administrator should not be able to administer clauses which are subject to interpretation AND cement their power to say that an ACP's interpretation is wrong just because they say it is, entirely at their discretion, and no recourse for the ACP. How is it decided if Energy Savings are attributable only to the 'the Implementation'? How is the Implementation defined? Fair enough, there must be a boundary, but the instructions in navigating the boundary must be clear. If a Scope of Works is presented in the M&V Plan and does not specifically list all aspects of the measures implemented, and/or a scope of works changes slightly, and/or BMS tuning is undertaken after the upgrade which was not specifically mentioned in the M&V Plan, at what point will the Scheme Administrator say that it is not attributable to the Implementation? If additional works are undertaken within the measurement boundary which fit the accreditation conditions, this should be a non-issue. Moreover, there should also be consideration for minor adjustments.

For example, a couple of fluorescent battens are accidentally damaged beyond repair during a chiller upgrade and replaced with LED battens. As it stands, we are looking at an ineligible project if the fluorescent lights are within the measurement boundary and not separately metered. It may seem a trivial example, but something like this can happen and there is no guidance on it other than the experiences different ACP's have had, which are more consistent with a forfeit all scenario.

**Question 10: Do you agree with the proposed changes to Measurement Procedures of the PIAM&V method? Please provide reasoning supporting your response.**

Not in disagreement but largely depends on the form and manner. If there is going to be some elaborate document issued to be completed, the contents of that document are important in deciding if we agree with the way it is implemented. Also, a baseline period must be able to change (i.e. move in time) without a new requirement for sign-off, contingent upon the measurement procedures being otherwise the same of course. There must be some form of consultation on what the explanatory reasoning document is going to look like. Also, any requirements around the M&V Pro who deems the procedures appropriate must be specified. Can the same person do the final reporting, or must they be different parties?

**Question 12: Would this change present any particular issues for your business?**

Adds obstacles and costs, potentially significant if the requirements around the explanatory reasoning are many.

**Question 13: Do you agree with the proposed changes to Clause 7A.16 of the PIAM&V method? Please provide reasoning supporting your response.**

Publishing of Method Requirements may be useful if they clarify things and provide rulings of sorts. However, no detail is provided here about the process underpinning it. Who writes the Method Requirements, is there a peer reviewing process? An industry consultation? There must be some form of consultation with stakeholders on any draft Method Requirement proposed to be published. This cannot be at the drop of a hat. There are stakeholders out there who know a lot and should be listened to before these requirements are published.

**Question 25: Do you agree with the proposed definition as opposed to the current definition of the Implementation Date for HEER activities? Please provide reasoning supporting your response.**

The question that must be answered is: What constitutes 'the Implementation' and at what point may an event constitute a new Implementation? There may be scenarios where two ACP's are involved in succession with different clauses to their accreditations. In that case, each ACP's activity would have to constitute a separate implementation – i.e. the second ACP does not have to have his nomination form signed before the first activity implemented by the previous ACP.

**Other**

Not mentioned in the consultation paper but mentioned in the draft Rule in table A10.2 is the addition of the sentence *"With a vertical illuminance target of 160 lx (including distribution centres)."*

If that means that a space could not classify as wholesale storage and display if the target illuminance is not 160 lx, that would be problematic in some instances. Lux level recommendation in AS1680 is not a blanket 160 lux. Warehouses can go down to 40 lux in appropriate areas and even to 20 lux in automatic warehousing. We suggest that the 160 lux statement is removed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jens Mozer".**Jens Mozer**

Technical Director

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